



Request for Review (RFR) Self Help Guide

December 2017

This guide is for refugees who:

1. Are outside of the United States; and
2. Were interviewed for resettlement through the United States Refugee Admissions Program (USRAP); and
3. Whose refugee application was denied.

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Introduction

If your refugee application to the United States was denied, you may request a review of the decision by submitting a Request for Review (commonly referred to as an RFR). Use this guide to help you write and submit your RFR.

A denial letter is called a Notice of Ineligibility. Your denial letter should contain information on how to submit an RFR. If you did not receive a denial letter you should contact the office where you conducted your initial refugee interview and ask if a denial letter was sent and, if it was, when and where it was sent.

This guide will (1) help you understand why your refugee application was denied; and (2) help you prepare your RFR. The guide explains what information you must include in your RFR and guides you through the necessary steps for preparing and submitting your RFR.

The first section is a summary of the five parts of an RFR. The following sections contain detailed instructions for each part. At the end of this guide, you will find an appendix with resources to help you understand some of the terms you will come across in this guide and in letters from USCIS.

The International Refugee Assistance Project (IRAP) prepared this guide, with the assistance of a team of students from Fordham Law School's Public Interest Lawyering Advanced Seminar. IRAP is a non-governmental organization that provides free legal assistance for some refugees. IRAP is **NOT** part of the U.S. government, UNHCR, IOM, or ICMC. IRAP cannot make decisions to reverse denials, speed up cases, or resettle refugees.

This guide is not for persons denied by the United Nations High Commissioner for Refugees (UNHCR), denied for resettlement in countries other than the United States, or individuals already in the United States who are seeking asylum.

This is NOT guidance from USCIS, IOM, UNHCR or any other organization. This guide should NOT be considered legal advice. Rather, this guide provides an overview of the RFR process. It is always best, whenever possible, to work with a lawyer experienced in filing RFRs or other U.S. immigration submissions. Please note that this guide was prepared in November 2017 and reflects law and procedures at that time, which are subject to change.

For USCIS guidance, please go to <https://www.uscis.gov/humanitarian/refugees-asylum/refugees/request-review-tip-sheet>

If you need any additional help or guidance, talk to a lawyer. For additional legal help or guidance, contact info@refugeerights.org. However, please note we have a substantial volume of requests, and new requests may take a substantial period of time to receive a reply. If your case has an application or appeal deadline, you may need to file with a government agency before that deadline or you may lose your right to apply or to appeal. Emailing IRAP to request assistance does not mean that IRAP represents you and does not affect any deadline.

Overview: RFR Process

An RFR must explicitly request a review of your initial denial for refugee status. This section gives a summary of the steps you should take when writing your RFR.

RFRs *must* show an error, identify new information, or both. An RFR that only criticizes the denial or pleads for help based on the same information from the original refugee application, without showing error or new information, will likely be denied.

- Part 1** ▶ Review your denial letter to determine why your application was denied
- Part 2** ▶ Gathering Supporting Evidence for your RFR
- Part 3** ▶ Write your RFR
- Part 4** ▶ Submit your RFR
- Part 5** ▶ What to do if your RFR is denied

Part 1

Review your denial letter to determine why your refugee application was denied

If your initial refugee application is denied, you will receive a denial letter. A denial letter is called a Notice of Ineligibility. Your local resettlement support center (IOM, ICMC, CWS, IRC) will deliver the denial letter to you in person, by mail, or by e-mail. If you did not receive or if you lost your denial letter you should contact your local resettlement support center, which is usually the office where you conducted your initial refugee interview.

The denial letter indicates the general reason for your denial. There are seven possible boxes that could be checked on your denial letter. The checked box or boxes on your denial letter indicate the general reason(s) USCIS denied your refugee application. Each general reason is explained below. The letter likely will not contain any specific facts or information about the reason for your denial. The denial letter contains information on how to file an RFR.

For your RFR to be successful, you *must* show why the reason you were denied was incorrect, provide new information, or both. Use the steps below and the self-interview questions listed to help you understand why the officer believed you should be denied.

Step 1. Find what box was checked on your denial letter

Step 2. Find the matching section below and read it

Step 3. Ask and answer the self-interview questions

Step 4. After you have done this go to Part 2

A. Self-Interview Questions

Think back to your interview.

1. What issues did the interviewer focus on? Did the interviewer focus on any particular part of your story?
2. Did the interviewer ask the same question multiple times?
3. Did the interviewer raise particular issues or concerns about your case?
4. Did you understand what information the officer wanted from you?
5. Were there any misunderstandings during the interview? Did the interviewer understand what you were saying?
6. Did you feel comfortable with the translator or the translation? Were you aware of any problems with the translator or the translation?
7. Did the interview stop at any point? If so, what happened immediately before the interview stopped?
8. Did the interviewer temporarily leave the room? If so, what happened immediately before the interviewer left room?
9. How long was the interview? Did it seem too short or too long?
10. Do you feel that you told your entire story? Did the interviewer stop you from telling your whole story? What parts of your story did you not tell the interviewer?
11. Did the mood of the interviewer change at any point? If so, what happened immediately before the interviewer's mood changed?
12. What do you think went wrong?

B. Reasons for Denial

1. “Special Humanitarian Concern”

If this box is checked, the officer decided that you did not prove that your case meets the requirements for resettlement on grounds of special humanitarian concern.

Use the following questions to help you understand why the officer thought you did not fit into one of the situations covered under “special humanitarian concern.” Then ask yourself the questions in Section A.

- How did you apply for resettlement to the U.S.?
- Many refugees are “referred” by UNHCR. If you were not referred by UNHCR, how were you able to apply? (for example, did a U.S. family member file a document to begin the refugee application process)
- Did the officer ask specific questions about your qualifications or raise any concerns?

2. “Refugee Claim”

If this box is checked, the officer decided that you do not meet the definition of a refugee. For more information on the definition of a refugee, see Appendix 1 of this guide.

This box has two separate sub-categories and sub-boxes: a) “Persecution” and b) “Protected Characteristic.” One or both of the sub-boxes may be checked to explain the type of issue with your refugee claim.

If the first box, “Persecution” is checked, the officer found that you did not prove that you were persecuted in the past or that you have a reasonable fear of persecution in the future. Persecution must be some type of serious harm, either physical, such as threat of assault or death, or non-physical, such as not being allowed to practice your religion. Your fear can be shown as reasonable based on specific things that have happened to you, or things that have happened to others in similar situations.

If the second box, “Protected Characteristic” is checked, the officer found that you did not prove that you were or would be persecuted because of your race, religion, nationality, membership in a particular social group, or political opinion. For example:

Fatima is a member of a religious minority. The militia in her town has attacked members of her religious community. One day Fatima receives a letter from the militia threatening to kill her because she is a religious minority. Fatima had a reasonable fear of persecution because of her religion.

Sarah is a member of the political party that peacefully opposes the government. The government has killed several members of the opposition party in Sarah’s town. They know that she is a member of the party and have threatened to kill her. Sarah has a reasonable fear of persecution because of her political opinion.

Use the following questions to help you understand why the officer decided you were not a refugee. Then ask yourself the questions in Section A.

- Remember your refugee interview. Did you say that you suffered persecution in the past? If so, what was the persecution you described?
- Did you say you had a fear of future persecution? If so, what reasons did you give for having that fear?
- Did you say you suffered persecution because of your race, religion, nationality, membership in a social group, or your political opinion?

3. “Persecution of Others”

If this box is checked the officer decided that you might have persecuted others or contributed to the persecution of others. Even if you did not directly harm another person, the officer may believe that you have contributed to the persecution of others. For example, if you guarded a prison where people were tortured or drove prisoners to the prison, you may have contributed to the persecution of others.

Use the following questions to help you understand why the officer may have thought you persecuted others. Then ask yourself the questions in Section A.

- Remember your refugee interview. Did you say that you were in the military? If so, how did you describe what you did in the military?
- Did you say you were involved with any organizations? What kinds of activities did you say you did with those organizations?

4. “Firm Resettlement”

If this box is checked the officer decided that you are firmly resettled in a country of refuge, other than your home country. This means that you have an offer for permanent resettlement in a country that you lived in after fleeing your home country.

Use the following questions to help you understand why the officer thought you were firmly resettled. Then ask yourself the questions in Section A.

- Where did you live after fleeing your home country? Did you receive an offer of permanent residence in any of those countries? If you did, how did you describe your life while living in those countries?

5. “Admissibility”

If this box is checked the officer decided that you are not admissible to the United States. The section of the letter will contain two parts. The first will be a handwritten line that will state a specific section of the law covering inadmissibility. The second will include information on whether a waiver is available for the ground of inadmissibility.

For the first part including a specific reason will be hand written and it will include a set of letters and numbers. Three common reasons for refugee inadmissibility are:

1. INA § 212 (a)(6)(C) - material misrepresentation. This means knowingly misrepresenting an important fact.
2. INA § 212 (a)(2)(A)(i)(I) - crime involving moral turpitude. This means being previously

convicted of or admitting to certain crimes or behaviors. What types of crimes involve “moral turpitude” is a complex area of law and individuals denied on this basis are encouraged to contact an immigration lawyer if possible.

3. INA § 212 (a)(3)(B) - providing material support for terrorism. This means participating or supporting terrorist activity, sometimes even indirectly or in a small way, like providing food or transportation for any of the member of a terrorist organization. Almost any group that uses unlawful force or violence could potentially be considered a terrorist organization.

Use the following questions to help you understand why the officer thought you were inadmissible. Then ask yourself the questions in Section A.

- Look at your Notice of Ineligibility. Does it say “INA § 212 (a)(3)(B)”?
- Did you talk about providing money to any individuals or organizations? Did you talk about providing food, shelter, assistance, or anything beneficial to any individuals or people in an organization?
- Did you talk about your support for any organizations? Did you talk about convincing others to join any organization?
- Did you talk about being part of or spending time with any particular groups, even if you did not have a choice to spend time with those groups?

The second part will indicate if you are eligible to apply for a waiver of inadmissibility. For some types of inadmissibility, you may request a waiver. If you are unable to obtain legal assistance, your local resettlement support center can help you fill out a waiver application (a form called an I-602). Waivers are discretionary and you must show that a waiver is appropriate for humanitarian reasons, because of family unity concerns, or because of the public interest. If you apply for a waiver through your resettlement support center, you should make sure to mention and bring any evidence of particular hardships you face in the country where you live, relationships with family in the United States or schedule to be resettled to the United States, and any affiliation with the United States, such as employment by the United States government.

For some types of inadmissibility, no waiver is available. The only way to overcome a denial would be a successful RFR showing that the original decision finding you inadmissible was erroneous.

Finally, if you were denied on inadmissibility and another ground, such as failing to show a refugee claim, you will not be allowed to apply for a waiver of inadmissibility unless your RFR is successful. If this box is checked, in your RFR, you should request an interview to apply for a waiver of inadmissibility, and you should mention and include any evidence of particular hardships you face in the country where you live, relationships with family in the United States or schedule to be resettled to the United States, and any affiliation with the United States, such as employment by the United States government.

6. “Credibility”

If this box is checked the officer decided that some of your claims were not believable. When a denial is based on “credibility” there should be two additional lists with additional boxes checked. The first list and additional checked boxes will indicate the relevant issue that you were found non-credible on. These issues are the same five issues discussed above (special humanitarian concern, refugee claim, persecution of others, firm resettlement, admissibility) and “other.” The second list and checked boxes will indicate the reason why the officer was concerned about your

credibility.

There are four listed reasons (and “other”) why an officer can consider your testimony not credible. The first is that the officer identified inconsistencies in statements that you made to the officer. The second is that the officer identified inconsistencies between your story and other evidence, such as someone else’s testimony or a public report like a news article. The third is that your answers to important questions were not detailed enough. The fourth is that your testimony was not “plausible” to the officer, based on what they know from public information about the situation in your country. The letter also states that the officer discussed the concerns with you in the interview and that you did not provide a reasonable explanation that addressed the concerns.

Use the following questions to help you understand why the officer thought your claims were not believable. Then ask yourself the questions in Section A.

- Remember your refugee interview. Did you discuss any topics in your interview in a different way than you did in past interviews?
- Did the interviewer make you repeat any part of your story?
- Are you a survivor of trauma? Do you have difficulties remembering specifics of your story, or remembering them consistently? Are you receiving psychological treatment? Did you mention this to the officer?

7. “Other Reasons”

If this box is checked, this means that you were denied due to a security-related issue. Some security-related issues may relate to you, and others may relate to members of your family or people whom you have close ties to. The issue may not have been discussed in your interview and may only have been identified during later security checks. It is very rare for this type of denial to be reversed. Your RFR should provide support to demonstrate that you are not a security threat.

Use the questions in Section A to help determine if a security-related issue may have come up in your interview.

This section explains what evidence you could gather and submit with your RFR.

Part 2

Gathering evidence for your RFR

You *must* include one or both of the following in your RFR:

1. A detailed explanation of a significant error made by the officer. A significant error is a major error that the officer made that led to the denial of your refugee application.

AND/OR

2. New information that could change the decision.

RFRs *must* show a significant error, identify new information, or show both. An RFR that only criticizes the denial or only pleads for help based on the same information from the original

refugee application, without including new evidence or showing that the officer made a significant error, will likely be denied.

A. RFR Based on Significant Error

To submit your RFR based on significant error, you must show that the officer who decided your refugee application made an error that was significant. An error may be considered significant if you think it might have led the officer to deny your refugee application.

To decide if the officer made a significant error during your refugee interview, think about the questions below.

1. In your refugee interview did the officer allow you to explain the most important parts of your story? Were there parts of your story the officer did not ask you about?
2. In your refugee interview did the officer allow you to explain the supporting evidence that you brought to your interview?
3. If you were unable to include supporting evidence did the officer ask you to explain why you could not include the supporting evidence?
4. If the officer believed there were inconsistencies in your story, did the officer ask you to explain the inconsistencies?

Common examples of significant errors are below. Remember, the significant error you give must be specific to your case. ***This list is not complete. Think creatively but truthfully about your case. Always tell the truth.***

Common Examples:

- In your refugee interview the officer did not ask about important facts about your refugee claim.

Example: In her refugee interview, Samira said that she had been arrested six years earlier, but did not explain that she was arrested by mistake. The officer did not ask her about the arrest and then denied her refugee application because of the arrest.

- You were not able to provide some supporting evidence in your refugee interview and the officer did not ask about why the evidence was not included.

Example: In his refugee interview, Malik said that his family forced him to leave the house because of his religious beliefs. Malik did not include any proof that he had been forced to leave his home in his refugee interview because the proof was with his friend in his home country. The interviewer did not give Malik a chance to explain why he did not include the proof.

- In your refugee interview the officer did not allow you to explain inconsistencies in your story.

B. RFR Based on New Evidence

To submit an RFR based on new evidence, you must have new information that supports the claims you made in your original refugee application. This new information can either be:

1. Evidence that you had during your refugee interview but that you did not bring

AND/OR

2. Evidence that you collected after your refugee interview.

The new evidence *must* relate to the reason that your refugee application was denied. For example, if you were denied because you committed a serious crime in the past, new evidence showing that you fear persecution will not likely address the reason for the denial.

Review the answers to the question from Part 1 and use the questions in section “C. Gathering Evidence” immediately below to see what evidence you can gather that could be helpful for your RFR.

TIP: *Think creatively about what information and evidence could be helpful for your case.*

C. Gathering Evidence

To decide what evidence might be helpful to your RFR, think about the questions below.

1. Do you have any documents that you did not submit during your original interview?
2. Are there any documents related to your refugee claim that a family member, friend or neighbor in your home country can send to you (for example, letters, personal papers, ID cards etc.)?
3. Are there any documents related to your claim that you can request from any organization (for example, medical records from a hospital or from your doctor, a police report from your local police station, a copy of your diploma from your school)?
4. Are there any stories from newspapers, magazines or the internet that support your claim that can either be sent to you by a friend in your home country or that you can find online (for example, a newspaper story about dangers in your region, pictures from the internet about an attack in your town)?
5. If you lost or destroyed any important documents (for example, your military ID card or a threatening letter), do you know someone who saw the document and would write a letter describing what they saw?
6. If you do not have any record of something that happened to you that is important to your claim (for example, you were beaten, threatened, or in hiding) do you know someone who saw what happened to you and would write a letter describing what they saw?
7. If you believe the reason for your denial was because you did not prove that a family relationship was valid, and you want to submit DNA evidence with your RFR, you should contact your local resettlement support center about the required procedures to ensure the

evidence is accepted.

You should gather as much evidence as possible that explains and supports your story.

Please remember that this list is not complete. Think creatively but truthfully about your case.

D. Common Types of Evidence to Include in Your RFR

1. Declarations

A declaration is a written statement containing facts that a person declares are true and accurate. A friend or family member can write and sign a declaration to support your RFR. Their declaration should describe what they know or what they saw.

If you are not preparing your own RFR and signing it (for example, because you are receiving assistance from a lawyer), then your RFR should include a separate written declaration from you that explains why your application was wrongly denied. This **must** explain any significant error, include new evidence, or both. You **must** sign your declaration. By signing your declaration, you are promising that everything in it is true. Be sure to include as much detail as possible.

2. Official Documents

Official documents can also be used to support your RFR. For example, you may collect birth certificates, death certificates, medical records, military service booklets, a letter from your employer if you were employed by an international NGO or company, or police reports.



MYTH:

If I do not have access to or cannot get a document that will provide strong evidence for my case, I can use a fake version of the document.



TRUTH:

Never use fake or fraudulent documents in your RFR. Using fake or fraudulent documents could result in an immediate and permanent denial of your RFR. Even if you think a document is very important for your RFR but you cannot get access to it, do not try to get a fake copy. Instead, think of other ways to show the information. For example, get a signed letter from a family member or neighbor who can provide the information that you need.

3. Other Supporting Evidence

In addition to official documents, other evidence can support your RFR. Think creatively. For example, photos, blogs or social media posts, text messages, e-mails, threatening letters, or newspaper stories from your home country or country of refuge may be helpful.

E. Explanation of New Evidence

For any new evidence you did not bring to your original refugee interview, you must explain why you did not provide it. For example, you may have had evidence with you at your interview, but you did not understand that the officer was asking for it and you did not show it to him.

F. When Important Evidence is Not Available

If you cannot get important evidence that you know exists, you must explain why you cannot get the evidence. For example, if you threw away a threatening letter that was left at your home, explain why you did not keep the threatening letter in your RFR.

TIPS:

- *Begin each section with your strongest arguments. It is more effective to present one or two very strong arguments than to present a checklist.*
- *Include your background story and appeal to the officer's sense of humanity by including details about your situation.*
- *Support your story with evidence. Include supporting documents that describe the country conditions and provide evidence of the stated persecution.*
- *Include headings that break up the body of your text and indicate each section's content.*
- *Write in clear and concise language*

Part 3

Write your RFR

This section explains how to write your RFR. **Generally, only one RFR will be accepted, so write your RFR carefully.** You must submit an RFR within 90 days of receiving your denial letter. If you are reading this document after the 90-day deadline, go to section "A. 90-Day Deadline" immediately below. If you are reading this document well before the 90-day deadline, you may skip Part A and go to Part B.

A. 90-Day Deadline

You must submit an RFR within 90 days of receiving your denial letter. The 90-day deadline is determined by the date the denial letter was postmarked or given to you. Even if you miss the deadline, you can still submit an RFR, but USCIS may decide to deny the RFR because it was not received within 90 days. In your RFR, you must show why you had a good reason to submit your RFR after the 90-day deadline has passed.

Common examples of good reasons for submitting your RFR after the 90-day deadline are below. Remember, the reason you give must be specific to your case. ***This list is not complete. Think creatively but truthfully about your case. Always tell the truth.***

Common Examples:

- You do not speak or write English.
- You have difficulty reading.
- The denial letter was so vague that you could not understand the reason for denial.
- You tried to file an RFR before the 90-day deadline, but it was not in English and/or did not contain all the required elements of an RFR.
- You did not receive the denial letter at all, or did not receive it until after the 90-day deadline.
- You or your family had or has serious health problems (physical or mental).
- You are under age 18.
- You are being persecuted or threatened with persecution in the country where you currently live.

Example: In 2016, Ali was living in hiding from members of his ex-wife's family, and was afraid and unable to get help for his RFR. Persecutor (P) told Ali that he would block Ali's resettlement case and would kill him if he contacted UNHCR. Because of these threats, Ali was living in constant fear for his life. Ali was afraid to contact UNHCR for help with his RFR because he thought that P might be looking for him there, and because P had threatened to kill him if he went to UNHCR. Because of the threats Ali could not seek any help in submitting his RFR within the 90-day deadline. Ali explained this in his RFR and was allowed to submit it after the 90-day deadline.

- Your circumstances have changed in a significant way.

Example: In October of 2016, Zayd applied for refugee status, but his application was denied. In March 2017, Zayd's wife died. His daughter is currently living with his wife's mother in Chicago. It is important that Zayd's RFR be considered so that he can be reunited with his daughter in Chicago. Zayd's daughter needs the love, care, and support of her father. Zayd explained the changed circumstances in his RFR and was allowed to submit it after 90-day deadline.

B. RFR Sections & Structure

Below is a list of the sections you can include in your RFR. Below the list, you can find an explanation of each section.

- Explanation of Why You are Submitting Your RFR After the 90-day Deadline
- Summary of Significant Error and/or New Evidence
- Tell Your Story, Including Your Refugee Claim and Interview for Resettlement
- Explanation of Your Refugee Qualifications (Access, Refugee Claim, Admissibility)
- Detailed Explanation of Error and/or New Evidence (review your answers from Part 1 and Part 2 to write this section)
- Humanitarian Concerns

Follow each section from Part 1 to Part 6 below in order to complete your RFR. If you are submitting your RFR before the 90-day deadline, begin writing your RFR at Part 2. This section describes how to submit your RFR. What country you are in will determine how you

Part 1: Explanation of Why You are Submitting Your RFR After the 90-day Deadline

If you are submitting the RFR after the 90-day deadline, include this section in your RFR. Explain why you were not able to submit the RFR within the 90-day deadline using Part 3(A) “90-day Deadline.”

Part 2: Summary of Significant Error and/or New Evidence

Write a brief introduction that explains why your RFR should be granted. This brief summary should explain why you should be admitted as a refugee. This section *must* say how a significant error led to your denial letter and/or why new evidence proves that you should be resettled. This section can be a short summary that is two to three sentences long. You will write a more detailed explanation that fully explains why your denial should be reversed in “Part 5: Detailed Explanation of Error and/or New Evidence.”

Part 3: Tell Your Story

Next, tell your story. This should include a detailed explanation of why you are seeking resettlement and explain what happened in your interview for resettlement. Tell your story in the order it happened. *Do not lie about or exaggerate any of your story.* Telling the truth is important. Any lies or exaggerations can lead to your RFR’s denial and the future denial of other immigration applications.

Part 4: Explanation of Your Refugee Qualifications

After you summarize your story, explain why you meet the definition of “refugee” and why you are not disqualified from resettlement. To show that you are a refugee you must show “past persecution or a well-founded fear of future persecution on account of race, religion, nationality, political opinion, or membership in a particular social group.”

Part 5: Detailed Explanation of Error and/or New Evidence

Next, include a detailed explanation of why your RFR should be granted due to the officer’s error and/or new evidence. You should include all new information and/or errors that show why your denial letter should be reversed. **This section should be the main focus of your RFR.** Use Part 1 and Part 2 above to help you understand and explain what significant error took place and/or new evidence you have.

Part 6: Humanitarian Concerns

The RFR should end with an explanation of any humanitarian concerns. Humanitarian concerns include continued risk of persecution in the country you are currently in, or any urgent medical needs for you or your family. Include these concerns in your RFR to show why your RFR should be reviewed quickly.

Part 4

Submit your RFR

submit your RFR. In some locations, refugees are instructed to always submit physical copies of the RFR and in other locations, email submissions are acceptable. To find out how to submit your RFR, contact your local resettlement support center, or use the steps below.

A. Where to Submit Your RFR

Step 1: Find the name of your region listed below in bold. Under the name of your region, you will find a website address underlined.

Step 2: Type or copy and paste the website address into the internet search engine on your computer or cell phone to go to the website.

Step 3: When you get to the website, look for the name of the country you are currently in. Country names are listed in a table on the left side under “USCIS Field Office.”

Step 4: Once you find the name of the country, look at the box directly next to it to see how to submit your RFR. Local Resettlement Support Centers may accept RFRs in person, via email, or via post. The information in this box will tell you which options your Resettlement Support Center accepts.

RFR Filing Locations in Europe, Middle East and Africa (EMEA) District:

<https://www.uscis.gov/humanitarian/refugees-asylum/refugees/request-review-filing-locations-europe-middle-east-and-africa-emea-district>

RFR Filing Locations in Asia Pacific (APAC) District:

<https://www.uscis.gov/humanitarian/refugees-asylum/refugees/request-review-filing-locations-asia-pacific-apac-district>

RFR Filing Locations in Latin America, Canada and the Caribbean (LACC) District:

<https://www.uscis.gov/humanitarian/refugees-asylum/refugees/request-review-filing-locations-latin-america-canada-and-caribbean-lacc-district>

RFR Filing Locations in El Salvador, Honduras, and Guatemala:

The RFRs can be sent via e-mail to RSCCAinfo@iom.int however they must also be submitted by mail to the following addresses (with an original signature):

IOM El Salvador

Urbanizacion Madreselva, Pasaje H, #5, Antiguo Cuscatlan, El Salvado

IOM Honduras (also accepts RFR submissions in person)

Colonia Palmira, Avenida República de Panamá Una cuadra abajo del Hotel Edén

IOM Guatemala (also accepts RFR submissions in person)

Tercera calle 4-44, Zona diez, Tercer nivel, Edificio FLACSO, Ciudad de Guatemala

B. How to Submit Your RFR

Step 1: You can submit a handwritten RFR or a typed RFR, but USCIS prefers typed RFRs. If you typed your RFR, print it (or if submitting by email in a location that allows email, create a PDF). You must sign your RFR with an ink pen regardless.

Step 2: Translate your RFR to English. RFR **must be in English**. Make sure you use a trusted person who is fluent in English and your native language to translate your RFR.

Step 3: Gather all your supporting documents that you identified in Part 2. **These documents must also be translated to English**. Translate these documents to English, using a trusted person who is fluent in English and your native language.

Step 4: Make a copy of each supporting document gathered in Part 2 and your RFR. Keep these in a safe space.

Step 5: Submit your RFR.

By Mail: Put the translated RFR, the original supporting documents from Step 3, and the translated supporting documents from Step 3 in an envelope. Mail the envelope to the address that you found in Part 4, Section A “How to Submit Your RFR.”

By Email: Scan all supporting documents. Attach all scanned original and translated supporting documents and your translated RFR to an email. Send the email to the address you found in Part 4, Section A. An email template for the body of your email is available at the end of this guide. You should receive an automated reply message that shows you successfully submitted your RFR.

In Person: Put the translated RFR, the original supporting documents from Step 3, and the translated supporting documents from Step 3 in an envelope. Take the envelope to the physical address you found on the webpage in Part 4, Section A.

NOTE: Responses to RFRs often take at least three to six months to receive. If after three months you have not received a response about your RFR, you should follow up with your local resettlement support center. You can follow up monthly to check on the status of your RFR. You should receive a written decision regarding the RFR through your resettlement support center

Part 5

The RFR decision and next steps

or from USCIS directly. If your address changes after you submitted your RFR, you should let your resettlement support center know. Your RFR may be approved, you may be asked to do another interview, or your refugee application may remain denied. In some cases, you may need to submit additional evidence before a final decision is made. If you need to submit additional evidence, you will receive a letter asking for more evidence.

If your RFR is denied, your case is considered closed and USCIS will take no further action. Second RFRs are not permitted as of right. Although an individual can file another RFR and request that USCIS review it as a matter of discretion, this option is not likely to succeed unless you have significant new evidence.

For some individuals, there may be other options to pursue, such as:

1. Refugee Resettlement Resubmission to Another Country by UNHCR

If you are registered with UNHCR, you may ask UNHCR to resubmit your case for resettlement to another country. This is *extremely limited*, however, and nearly all denied cases are not re-referred because of limited resettlement slots and reluctance to accept previously denied cases. If this happens, you would be considered starts over and takes a long time, often over a year.

2. Other Immigration Options to the U.S. or other countries.

Refugees often have very few legal immigration options, and this guide does not go through all available options. It is important to note that your refugee application denial and the denial of your RFR should not prevent you from pursuing immigration options to other countries, or other legal immigration options to the United States. For example, if you are a parent of a United States citizen and are denied refugee status, you can still apply for family-based immigration, which has different criteria and legal requirements.



MYTH:

Information you hear on social media will help your refugee application or RFR get approved.



TRUTH:

Information on refugee resettlement process on social media is often incorrect. Use trusted sources and always tell the truth. Trusted sources include information you learn from staff at the resettlement support centers, government and United Nations websites, and this guide.

Appendix: U.S. Definition of Refugee

Definition of a Refugee

The refugee definition in the Immigration and Nationality Act specifies that a person may qualify for refugee status under its terms only if they fear persecution because of one or more of the five grounds: race; religion; nationality membership in a particular social group; or political opinion.¹

In practice, more than one ground may apply, for example if a member of a particular religious group is also a political opponent.

For more information on the refugee definition, and in particular on gender as an example of a “particular social group”, see the Center for Gender & Refugee Studies’ Pro Se Manual: https://cgrs.uchastings.edu//sites/default/files/CGRS_Pro_Se_DV_Manual_English_2014_FINAL.pdf.

Common Examples of Refugee Claims in Central America

- *Elvin is a 17 year old from San Miguel, El Salvador. He attends high school in a town outside of the town where he lives with his maternal aunt, grandmother and 2 older siblings. Elvin’s father migrated to the United States when Elvin was 6 months old and did not remain in contact with the family. Elvin’s mother left for the United States when Elvin was 2 years old in order to earn enough money to pay for education for her 3 children, which she knew she would not be able to do if she remained in El Salvador, and to support her mother. Elvin and his family are close. When Elvin was little hear the words “delinquents” and gang members but he never noticed them much. Once in a while when visiting the capital of San Salvador his aunt would pull him close if they saw a teenager with baggy pants and tattoos. He assumed these were the delinquents. He never directly had any problems until he started attending high school. To get to his school he must cross through a territory controlled by the MS-13 gang. Some gang members have a presence at his school, as well. Recently the gang members he has had to pass on his way to school have started making life difficult. First, they suggested that he join MS-13. More recently, a few gang members began following Elvin on his way to school, mentioning that they knew where he lived and where he went to school. On his way to school one day, one of the gang members grabbed Elvin by the shirt, and said “this is no joke, are you with us?” Rather than refuse, Elvin told the gang members he needed to think about it. They told him not to take too long, that they would expect an answer soon. Elvin has started having nightmares. He does not want to join the gang but is terrified of being harmed. He knows of other teenagers who refused to cooperate with the gangs and who were beaten or even killed as a result. He knows that telling the teachers at school or even the police would be useless, they would not be able to help him. He is thinking of dropping out of school to avoid the gang members, but he also worries that they will find him at his home.*
- *Marvin is a 19 year-old from Tocoa, Colon, Honduras. Marvin and his slightly older first cousin, Rodrigo, are very close. They grew up together and always spent the majority of their time together. Some in the community even think they are brothers. The boys are from religious families and regularly attend church. They are very active in the church’s youth group and have never been involved in any gang or criminal activity. About 3 months ago a gang in Tocoa began pressuring Rodrigo to join. Rodrigo resisted, telling the gang that he is religious and that he believes in god, not gangs. Rodrigo told the gang members that they should come to his church and attend the youth group there. Rather than accept his invitation, gang members beat Rodrigo badly and he had to go to the doctor to treat his injuries. Soon after the same gang mem-*

1 Immigration and Nationality Act, 8 U.S.C. § 101(a)(42)(A)

bers approached Rodrigo again and asked if he had come to his senses and decided to join the gang and “forget about the church thing.” When Rodrigo said no, a group of 5 gang members threw him on the ground and took turns kicking him. Just before walking away, gang members threatened to kill Marvin if Rodrigo did not join.

- *Marleny is an 18 year-old from San Salvador, El Salvador. Marleny attends university in San Salvador and dreams of being a doctor. She lives with her paternal grandmother and aunt, Rosa. Marleny’s aunt, Rosa owns a small pulperia or in their neighborhood. About a year ago gang members showed up at the pulperia and demanded that Rosa pay “renta” to the gang. Those who entered the store claimed that they needed money to pay for the funeral costs of a friend and that they knew Rosa would be sympathetic and want to help them do right by their poor friend. Rosa, terrified, paid them the money they asked. After this incident they began showing up at the store regularly, at the beginning of each month, to ask for money. Rosa kept paying them renta out of fear, but this was a significant hardship given Rosa’s limited earnings from the store. Soon the gang began asking for a greater amount of money than before, claiming that the cost of coffins had gone up. Rosa told the gang members that she could not afford to keep paying them every month, especially not when the amount of money they were asking for had gone up. One gang member pulled out a gun and held it near Rosa’s head. He warned that she wouldn’t want to disappoint him and his homies, not when they only trying to help a friend. Rosa paid them, reluctantly, and ran home shaking and crying. The next month she decided to limit the store hours in the hope of avoiding gang members. They found her in the neighborhood, however, and said they thought she was avoiding them. They demanded the money from Rosa but she said she could not pay it. The gang members then shoved her, hard, up against a wall and one threatened, “you have 1 week to pay or you, Marleny, and the old woman (referring to Rosa’s mother) will regret it.”*
- *Yanira was on her way home from university one day in a shared taxi. She rode along with another student she knew from her neighborhood. Prior to this day Yanira would say that she was generally happy and generally felt safe, though she worried and hastened her pace on the few occasions when gang members heckled her as she walked through the neighborhood. When the shared taxi entered her neighborhood and stopped to drop off the other student, 5 young men with faces covered in tattoos surrounded the taxi. One opened the door and grabbed the student out of the taxi. The taxi driver immediately started to drive off - quickly - and Yanira heard multiple gun shots. She turned to look out the back window of the taxi and saw the student laying on the ground. News quickly traveled through the neighborhood that the student had been killed. Less than an hour after this incident Yanira received a text message warning that she had better not snitch. The message said that she had 24 hours to evacuate the neighborhood or she would be dead. Her boyfriend also received text messages threatening Yanira and ordering her to evacuate the neighborhood. Consumed by fear, Yanira left her neighborhood every early the next morning and has been hiding out in a cousin’s apartment in another city.*
- *15 year old Carol comes from El Progreso, Honduras where she lives with her mother and three younger siblings. Carol’s father lives in the United States and sends money home to support the family. Carol attends a school that she can walk to from her home. At 15 and the oldest of four siblings, Carol walks to school and home alone. Sometimes gang members comment about her looks as she passes by. She hates when this happens but generally ignores the comments and continues on her way. One day on her way home from school one of the gang members separates himself from his group and approaches her. He says his name is Cas and tells her she’s “cute.” Carol feels uncomfortable but smiles, hoping to avoid a conflict, and continues on*

her way. Over the next few weeks, Cas approaches Carol regularly as walks to school or home and comments on her looks, tells her that she should be “my woman.” Carol either avoids responding or politely resists during these interactions. One day Cas tells her that soon enough she “will be my woman” whether she wants to or not. Carol feels very afraid but doesn’t want to worry her mother, so keeps this information to herself. The next few days she tells her mother she cannot go to school because she doesn’t feel well. The following week Carol asks her friend to walk to school and home with her so she is not alone. While walking home one afternoon Carol suddenly gets grabbed and blindfolded, and has a sock stuffed in her mouth. She doesn’t remember anything else that happened that afternoon, except that she woke up with a terrible headache, bruises, and torn clothes. She is sure Cas raped her. Since that day she has stopped attending school and has refused to leave her home.