January 29, 2018

Memorandum

TO: Mary Margaret Stone
    Acting Chief, Refugee Affairs Division

    Joanna Ruppel
    Chief, International Operations Division

FROM: Jennifer B. Higgins /s/
    Associate Director
    Refugee, Asylum and International Operations Directorate

SUBJECT: New Procedures and Revised Guidelines for Refugee Adjudications as a Result of the 90-Day Review

On October 24, 2017, President Trump issued Executive Order (EO) 13815, Resuming the United States Refugee Admissions Program with Enhanced Vetting Capabilities, which concluded that the U.S. Refugee Admissions Program (USRAP) could generally resume subject to the conditions set forth in section 3 of the EO. That section, entitled “Addressing the Risks Presented by Certain Categories of Refugees,” required that the DHS Secretary determine within 90 days, as appropriate and consistent with applicable law, whether to modify or terminate any actions taken to address the security risks posed by refugee admissions, in consultation with the Secretary of State and the Director of National Intelligence.

To inform this decision, DHS, the Department of State (DOS), and our law enforcement and intelligence community partners conducted a review to assess whether additional safeguards were necessary to ensure that the admission of nationals of (and certain stateless persons who last habitually resided in) countries subject to a Security Advisory Opinion (SAO) does not pose a threat to the security and welfare of the United States.

As part of this process, USCIS conducted an adjudicative review of the cases of refugees who entered the U.S. and subsequently became of interest to law enforcement based on a possible terrorism nexus. The purpose of the review was to determine (1) whether these cases would have been denied if they were adjudicated under today’s vetting regime and adjudication

FOR OFFICIAL USE ONLY
New Procedures and Revised Guidelines for Refugee Adjudications as a Result of the 90-Day Review standards, and (2) whether there are any demographic trends or patterns from which to derive lessons regarding enhancements to the interview and adjudication process.

On January 29, 2018, DHS Secretary Nielsen issued a memorandum entitled 90-Day Refugee Review, instructing USCIS to implement additional screening and vetting enhancements to more effectively reduce risk with regard to processing nationals from SAO countries. As a result of this 90-day review and in accordance with the Secretary’s determinations, I am instructing the Refugee Affairs Division (RAD) and International Operations Division (IO) to implement the following actions, consistent with all judicial orders in effect, in advance of third-quarter refugee processing.

1. **Provide officers with additional training and guidance on specific national security indicators.** RAD will issue updated operational guidance for I-590 adjudications on national security indicators, including Redacted IO will refer to this guidance in future I-730 guidance materials.

   **Implementation date:** Quarter 2.

2. **Provide for more in-depth refugee eligibility interviews.** RAD and IO will examine the default scheduling for SAO nationalities and extend the length of these interviews to allow for further exploration of potential national security, inadmissibility, and credibility issues at interview for I-590 refugee adjudications and similarly ensure that sufficient time is provided for interviews of I-730 refugee beneficiaries to fully explore these issues. This may result in fewer interviews being conducted per day per officer.

   **Implementation date:** Evaluate metrics in Quarter 2, implement prior to Quarter 3.

3. **Issue new requirements for interviewing derivative applicants:** RAD will issue guidance emphasizing the importance of eliciting testimony from derivative I-590 applicants, including certain RE-3 applicants (unmarried, under 21, derivative children) apart from the principal refugee applicant (his or her parent) to further explore potential national security, identity, inadmissibility, and credibility issues and make scheduling adjustments as needed.

   **Implementation date:** Evaluate metrics in Quarter 2, implement prior to Quarter 3.

4. **Clarify the use of discretion within adjudications.** RAD will issue supplementary guidance and train officers on additional circumstances that would warrant a denial of the I-590 application as a matter of discretion based on the totality of the circumstances.

   **Implementation date:** Prior to Quarter 3.

While these enhancements will be applied to refugee interviews and adjudications prospectively, RAD shall immediately institute a process and issue guidance to evaluate whether I-590
New Procedures and Revised Guidelines for Refugee Adjudications as a Result of the 90-Day Review

“pipeline” cases (i.e., cases already interviewed by a USCIS officer but that are pending final approval) involving SAO nationals\(^1\) require a re-interview in light of these new protocols.\(^2\)

In addition, RAIO will work with other USCIS and DHS components and collaborate with USRAP partners to make the following modifications:

5. **Update SAO adjudication thresholds.** SAO adjudication thresholds were last reviewed in 2016 as part of an interagency working group involving all screening and vetting agencies, the Department of State (DOS), and USCIS. These thresholds should be reviewed and updated for I-590 and I-730 refugee adjudications, to ensure they are in line with thresholds applied for other security checks, most notably the IAC. **Implementation date:** Start interagency consultations in Quarter 2.

6. **Redacted** SAO results. USCIS should apply a similar approach to I-590 cases which receive SAO “not clear” results as is applied to cases which receive IAC “not clear” results. **Redacted** RAD and IO shall also explore with DOS and the vetting partners the ability to apply similar methodology for I-730 refugee cases. **Implementation date:** Collaborate with DOS to establish manual process for I-590s in Quarter 2; By end of Quarter 3, develop with DOS and vetting partners a plan for automation and an assessment of the plan (if applicable) for expanding to I-730 refugee cases.

7. **Identify national security indicators that may require higher-level vetting.** Working with the Intelligence Community (IC) and FBI, RAIO will identify whether certain indicators that may come to light at any point during adjudication should require a “deeper dive” by vetting partners. **Implementation date:** Initiate discussions in Quarter 2.

8. **Develop a process to alert RAIO to undisclosed wounds/injuries.** RAIO will work with the State Department to ensure that any previously undisclosed wounds or injuries identified by an International Organization for Migration (IOM) or other panel physician during an applicant’s medical examination documented on the appropriate State Department medical form are reported back to RAIO or State Department consular

---

\(^1\) While the guidance outlined here addresses I-590 cases of SAO nationals, adjudicators may consider any case for re-interview, regardless of nationality and including I-730 cases, in which derogatory information or a procedural deficiency is discovered post-interview.

\(^2\) Refugee cases previously determined to be eligible for refugee status with valid security check results and that have already been stamped approved are considered to have received a final USCIS adjudication. These cases, in the absence of derogatory information being discovered post-interview, will be allowed to proceed with travel without additional USCIS review.
New Procedures and Revised Guidelines for Refugee Adjudications as a Result of the 90-Day Review

9. Integrate United Nations High Commissioner for Refugees (UNHCR) biometrics into identity management process. Continue conversations with the State Department and UNHCR to integrate biometrics collected by UNHCR into USRAP identity management for those I-590 cases referred by UNHCR. Implementation date: Finalize concept of operations by Quarter 4.

The security and procedural enhancements outlined above are designed to further strengthen the USRAP based on evaluated intelligence, the threat landscape, and the experience of RAIO professionals responsible for adjudicating applications for refugee status. As always, we will continue to review and improve USRAP protocols and procedures on an on-going basis to ensure we can facilitate the admission of legitimate refugees while maintaining our national security.