April 2, 2018

Memorandum

TO: All International Operations Division Staff
   All Refugee Affairs Division Staff

FROM: Joanna Ruppel /s/
       Chief, Refugee Affairs Division

SUBJECT: Pipeline DHS Review (PDR) Guidance

I. Background

On January 29, 2018, Department of Homeland Security (DHS) Secretary Kirstjen Nielsen issued a memorandum entitled 90-Day Refugee Review, instructing U.S. Citizenship and Immigration Services (USCIS) to identify, outline, and implement additional screening and vetting enhancements for Security Advisory Opinion (SAO) nationals. As a result of this 90-day review, and in accordance with the Secretary’s determinations, on January 29, 2018, Refugee, Asylum, and International Operations Directorate (RAIO) Associate Director Jennifer B. Higgins issued a memorandum entitled New Procedures and Revised Guidelines for Refugee Adjudications as a Result of the 90-Day Review.

Associate Director Higgins’s memo instructed the Refugee Affairs Division (RAD) and International Operations Division (IO) to implement a number of actions, consistent with all judicial orders in effect. While these enhancements will be applied prospectively, RAD was instructed to immediately institute a process and issue guidance to evaluate whether adjudications of I-590 “pipeline” cases (i.e., cases already interviewed by a USCIS officer and pending final approval) involving SAO nationals1 are impacted by new protocols and, if so, determine which cases require reinterview or change in outcome. In line with this directive,2 RAD is adopting the following procedures, known as the Pipeline DHS Review (PDR), for SAO nationals interviewed prior to April 1, 2018 if the case:

1) is pending final approval (has not been stamped approved); or
2) is a Requests for Review (RFR) for which the adjudicating officer determines that the underlying I-590 should be reinterviewed and/or approved; or

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1 While the guidance outlined here addresses I-590 cases of SAO nationals, adjudicators may consider any case for reinterview, regardless of nationality and including I-730 cases, in which derogatory information or a procedural deficiency is discovered post-interview.
2 Note that RAD HQ began reviewing pipeline cases and piloting this process in Quarter 2.
3) involves adjudication of a form I-602 which, if approved, would result in approval of the underlying I-590; or
4) was closed prior to final decision or after approval, but prior to travel, and is being considered for reopening.

For the time-being, only officers at RAD Headquarters (HQ) will conduct PDR, absent an explicit, written exception from RAD HQ. An officer may not stamp approved an I-590 case involving an SAO national interviewed prior to April 1, 2018, unless RAD HQ has completed PDR and:

1) RAD HQ determined the case does not require a reinterview based on the integrity enhancements put in place as a result of the 120-day and 90-day reviews, and all necessary steps have been completed (i.e., all security checks have been completed and cleared and no additional HQ review is required), or

2) RAD HQ determined the case requires a reinterview, an officer has completed the reinterview and recommended approval, and all necessary steps have been completed (i.e., all security checks have been completed and cleared and no additional HQ review is required).

This guidance does not apply to I-590 cases that do not include any SAO nationals or any I-590 cases involving SAO nationals that are pending a denial stamp. Refugee cases previously determined to be eligible for refugee status that have already been stamped approved are considered to have received a final USCIS adjudication and do not require PDR. These cases, in the absence of discovery of derogatory information post-interview, will be allowed to proceed with travel without additional USCIS review. Furthermore, cases interviewed on or after April 1, 2018 do not require PDR as all enhancements will already have been incorporated into the interview and routine processing.

II. Identification of Cases Requiring RAD HQ Review

The Refugee Processing Center (RPC) has created Case Availability Reasons (CARs) to identify 1) cases requiring PDR and 2) cases for which RAD HQ has completed PDR. Starting on April 1, 2018, officers will see the CAR on the Case Summary Screen here in WRAPS:

![Case Availability Reasons Screen]

The CAR for cases that require PDR is “Pending PDR.” Once RAD HQ has completed PDR, it will email the appropriate Resettlement Support Center (RSC) requesting the CAR be updated to reflect PDR is complete. The CAR for cases where RAD HQ has completed PDR is “PDR

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3 Initially, the SWPI Branch will manage the review and, based on a weekly report of cases pending PDR, will determine the prioritization of review of cases based on case status and other factors that may arise such as expeditious requests from PRM. At a later date, RAD HQ may delegate this authority to other RAD or IO officers.
Complete.” If the case requires a reinterview, RAD HQ will instruct the RSC to update the CAR to PDR Complete and to add the Re-Interview CAR to the case. RAD HQ will also transmit the reinterview coversheet to the RSC through the Regional Desk Officer(s) according to normal procedures. Once an officer has reinterviewed the case, the RSC will remove the Re-Interview CAR. The PDR Complete CAR will remain through travel.

III. Case Handling

I-590 pipeline cases involving SAO nationals that require PDR may come to the attention of RAD or IO through several different streams. Officers should follow the applicable instructions below.

a. Digital Approval

The officer conducting digital approval must review WRAPS to check whether there is evidence that PDR has been completed.

If the PDR Complete CAR is present on a case, the officer should verify in WRAPS that RAD HQ correspondence indicating PDR is complete is in the file. If there is no correspondence indicating that RAD HQ completed PDR, the officer should mark the case Unable to Stamp and note in the Unable to Stamp box, “RAD HQ, PDR review required. Remove PDR Complete CAR, add Pending PDR CAR.” If correspondence confirms that PDR is complete and a reinterview is not required, the officer should follow normal adjudicative procedures.

If correspondence indicates that RAD HQ completed PDR and determined a reinterview is required, the officer should verify that the reinterview was conducted. The officer should review the Refugee Application Assessment from the post-PDR reinterview in WRAPS to determine if the case may now proceed through normal adjudicative procedures. If the documentation confirms that the post-PDR reinterview was conducted, the officer should follow normal adjudicative procedures.

If a reinterview is required, but has not been conducted, the officer should mark the case Unable to Stamp and note in the Unable to Stamp box, “Per RAD HQ, case requires a reinterview based on PDR.” The officer should also instruct the RSD to add the Re-Interview CAR if not present. The officer may not digitally approve the case at this time.

RSCs should not put in the digital approval queue any cases with a CAR of Pending PDR. However, there may be some circumstances where a case with a CAR of Pending PDR is placed in the queue in error. If the Pending PDR CAR is assigned to the case, the officer should review the scanned documents for any RAD HQ correspondence regarding PDR. If correspondence indicates that RAD HQ completed PDR and determined no reinterview is necessary or if correspondence indicates that RAD HQ completed PDR, determined that reinterview is necessary and documentation indicates that the post-PDR reinterview was conducted, the officer should mark the case Unable to Stamp and note in the Unable to Stamp box, “Remove Pending PDR CAR, add PDR Complete CAR, then return case to digital queue.” If there is no

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4 The reinterview requestor uploads the reinterview coversheet to the “Re-Interview Tracking List” on the ECN. Regional Operations distributes reinterview coversheets weekly to the RSCs.
correspondence indicating that RAD HQ completed PDR, the officer should mark the case Unable to Stamp and note in the Unable to Stamp box, "RAD HQ, PDR review required." If correspondence indicates that RAD HQ completed PDR and determined a reinterview is required and the post-PDR reinterview has not been conducted, the officer should mark the case Unable to Stamp and note in the Unable to Stamp box, "Remove Pending PDR CAR, add PDR Complete and Re-Interview CARs."

b. Hold Lifts in the Field

The hold-lifting officer must review WRAPS to check whether there is evidence that PDR has been completed. RSCs should not present for hold lift any cases with a CAR of Pending PDR.

If the PDR Complete CAR is present, the officer should ensure that RAD HQ correspondence indicates PDR is complete. If there is no correspondence indicating that RAD HQ completed PDR, the officer should return the case to the RSC with instructions to add the Pending PDR CAR. If the correspondence confirms that PDR is complete and a reinterview is not required, the officer should follow normal adjudicative procedures.

If correspondence indicates that RAD HQ completed PDR and determined a reinterview is required, the officer should verify that the reinterview was conducted. The officer should review the Refugee Application Assessment from the post-PDR reinterview in the file to determine if the case may now proceed through normal adjudicative procedures. If the documentation confirms that the post-PDR reinterview was conducted, the officer should follow normal adjudicative procedures.

If a reinterview is required, but has not been conducted, the Re-Interview CAR should be assigned to the case. The officer should return the case to the RSC and inform the RSC that the case requires a reinterview. The officer should also instruct the RSC to add the Re-Interview CAR at this time if it is not already present. The officer may not stamp the case approved at this time.

c. Case appears on RAD HQ’s No Decision (NOD) list

The RAD HQ officer conducting PDR should coordinate with the RAD HQ officer who will handle any applicable NOD hold. For example, if a case requires PDR and is on HQ TRIG Review hold, the RAD HQ officer conducting PDR will reach out to the RAD HQ Policy officer who reviews HQ TRIG Review holds. This is to ensure that if a reinterview is needed after the case is reviewed by both officers, only one consolidated reinterview coversheet will be drafted and only one consolidated reinterview will be conducted. This is also necessary to ensure they coordinate on notification to the RSC to update the CARs related to PDR and NOD holds.

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5 At the present time, cases subject to PDR will not be stamped approved in the field, but will be handled digitally at HQ. This guidance does not apply to I-590 pipeline cases that will be denied (e.g., case presented for issuance of discretionary denial).

6 Should, in the future, PDR status appear on [Redacted] reviewing the printout of this report is sufficient.
d. Request for Review (RFR) cases that could result in overturning the denial or remanding for reinterview

i. RFR adjudication could result in overturning the denial

If the officer reviewing the RFR determines the denial should be overturned and the case is approvable, the officer must review WRAPS to check whether there is evidence that PDR has been completed. It is anticipated that for most RFR cases, PDR will not have been completed. However, there may be some RFRs for denials post-PDR.

The officer should review the correspondence in WRAPS to determine if PDR has been completed. If the case has not undergone PDR, the officer must contact the RSC to add the PDR Pending CAR. The officer should not approve the case at this time.

Once the PDR Complete CAR is present, the officer should verify that RAD HQ correspondence indicating PDR is complete is in WRAPS. If the correspondence indicates a reinterview is not required, the officer should follow normal adjudicative procedures.

If RAD HQ completed PDR and determined a reinterview was required, the officer should verify the reinterview was conducted. The officer should review the Refugee Application Assessment from the post-PDR reinterview in the file or WRAPS and should follow normal RFR adjudicative procedures. If the post-PDR reinterview was required, but has not been conducted, the officer should not approve the case at this time and should ensure the Re-Interview CAR is present.

If PDR results in denial, RAD HQ will coordinate with the officer to uphold the prior denial.

ii. RFR adjudication could result in remanding for reinterview

If the officer reviewing the RFR determines a reinterview is required, the officer must review WRAPS to check whether there is evidence that PDR has been completed. If the case has not undergone PDR, the officer must contact the RSC to add the PDR Pending CAR in addition to the Re-Interview CAR. The officer should not proceed with the reinterview at this time. The officer should provide RAD HQ with the RFR reinterview coversheet. Send the coversheet to Redacted with the following subject line: “RSC Case Number [Add] – RFR Reinterview Coversheet Consolidation.”

If PDR results in a reinterview, RAD HQ will add its reinterview questions to the RFR reinterview coversheet and return it to the RFR officer to proceed through normal adjudicative procedures. At the same time, RAD HQ will also notify the RSC that PDR is complete and it should update CAR to PDR Complete.

If PDR does not result in a reinterview, RAD HQ will notify the RSC that PDR is complete and it should update CAR to PDR Complete. It will also notify the officer that the RFR reinterview may proceed.

If PDR results in denial, RAD HQ will coordinate with the officer to uphold the prior denial.
e. I-602 that appears approvable

If the officer decides the I-602 is approvable, the officer must review WRAPS to check whether there is evidence that PDR has been completed. If the case has not already undergone PDR, the officer must contact RAD HQ at [Redacted] for further guidance.

f. Reopening cases previously interviewed by USCIS and closed prior to receiving a final decision and reopening previously approved cases closed prior to travel

The RSC should present to the appropriate Regional Operations Desk Officer any case involving SAO nationals interviewed by USCIS prior to April 1, 2018 and 1) closed prior to receiving a final decision or 2) approved and closed prior to travel where the principal applicant has requested to reopen his/her case.

If the Regional Operations Desk Officer performs normal case reopening and passage of time reviews and decides that the case may be reopened, the officer must check WRAPS to determine whether there is evidence that PDR has been completed. If the PDR Complete CAR is present and RAD HQ correspondence indicates PDR is complete, the officer should proceed with normal adjudicative procedures.

If there is no correspondence indicating that RAD HQ has completed PDR, the Regional Operations Desk Officer must contact the RSC to add the PDR Pending CAR.

If the routine case reopening review and/or case review for passage of time does not result in a reinterview, the Regional Operations Desk Officer should inform the RSC that the case may be reopened and allow the case to proceed through normal adjudicative procedures.

If the routine case reopening review and/or case review for passage of time results in the need for a reinterview, the Regional Operations Desk Officer must also contact the RSC to add the Re-Interview CAR. The officer should provide RAD HQ with the Regional Operations reinterview coversheet. Send the coversheet to [Redacted] with the following subject line: “RSC Case Number [Add] – Reg Ops Reinterview Coversheet Consolidation.”