



# U.S. CITIZENSHIP & IMMIGRATION SERVICES (USCIS) POLICY WINS

- 1. USCIS Removed Certain Policy Manual Guidance on Discretion.** The U.S. Citizenship & Immigration Services (USCIS) policy manual is an important guide for USCIS adjudicators to use when adjudicating immigration applications. The ILRC advocates with the Biden Administration to make positive and pro-immigrant changes to the policy manual. One such piece of advocacy we pushed was to overturn changes former President Trump made to the manual. Specifically, the Trump Administration made three batches of significant changes to the USCIS Policy Manual regarding discretionary determinations (including some applications for a green card and work permits), such as adding numerous factors to consider and making it easy to deny even routine forms of immigration benefits as a matter of discretion. We made three separate suggestions for places where the USCIS Policy Manual needs to roll back these changes. USCIS has already implemented one of these suggestions and removed an entire section from the Policy Manual on discretion as applied to work permit applications; thus, making it easier for people to obtain work permits.
- 2. USCIS Began a U Visa Bona Fide Determination Process and Corrected Implementation Errors.** The U visa is a form of lawful status for immigrant survivors of crime, including domestic violence and sexual assault. There is a limit to how many U visas can be granted each year, and a many years' long backlog of immigrants waiting for their petitions to be adjudicated. ILRC welcomed a new process USCIS announced last June whereby U visa petitioners could be granted protection from removal and work authorization while their petition was pending. ILRC monitored implementation and notified DHS of an issue where applicants were paying a fee for work authorization, despite no fee being required. USCIS admitted its mistake, corrected its procedure, and even issued refunds for fees improperly paid.
- 3. USCIS Revised Liberian Refugee Immigration Fairness Act Evidentiary Guidance.** ILRC was heavily involved in advocacy with USCIS to ease documentation requirements stated in the Policy Manual that were not required by law. In response, USCIS revised the guidance regarding what documents were required to prove Liberian nationality and thus obtain relief and work authorization.
- 4. USCIS Removed Burdensome Requirement for Certain Immigrant Youth Applicants.** ILRC advocated removing language that makes it easier to deny Special Immigrant Juvenile Status, a path to a green card for certain immigrant youth. This is important for youth to remain in the United States and obtain work authorization when they turn 18.
- 5. USCIS Implements Deferred Action for Certain Immigrant Youth.** ILRC has been deeply involved in advocating for immigrant youth who have pending applications for Special Immigrant Juvenile Status, a pathway to a green card for youth who have been abandoned, abused, or neglected. ILRC is part of a national coalition advocating for administrative relief for these children who are stuck waiting for lawful status due to the backlog. USCIS implemented a process for these youth to gain work authorization and protection from deportation while they wait for their green card application to be adjudicated.
- 6. USCIS Narrowed Its Interpretation of False Claim for Naturalization.** If someone has made a false claim to U.S. citizenship (i.e., said they are a citizen when they are not), that can bar them from many types of immigration relief, including naturalization. ILRC advocated that USCIS narrow its interpretation of false claim to include only those instances where someone made the claim knowingly. USCIS implemented this change in its USCIS Policy Manual guidance to naturalization adjudicators. This allows people to naturalize or obtain a green card even though they accidentally made a false claim to U.S. citizenship.
- 7. USCIS Added a "History" Tab to its Policy Manual.** ILRC alerted USCIS officials to the difficulty of providing feedback

on the USCIS Policy Manual when USCIS did not publicize what exact changes it was making. In response, USCIS added a “history” tab so that the public can see prior versions of the guidance.

- 8. USCIS Advertises Methods for Policy Manual Feedback.** ILRC advocated USCIS do more to publicize how the public can provide feedback on its Policy Manual. In response, USCIS added an email address to its Policy Manual alerts.



Teaching, Interpreting,  
and Changing Law  
**Since 1979**  
[www.ilrc.org](http://www.ilrc.org)

FOLLOW US TO REMAIN UPDATED & CONNECTED

