

# Module 1: I-590 Adjudicator's Manual: Purpose and Contents

## a. About the I-590 Adjudicator's Manual

The IRAD I-590 Adjudicator's Manual (Manual) is the International and Refugee Affairs Division's (IRAD) centralized, online repository for adjudicators in need of processing or procedural guidance while adjudicating refugee claims. Over time, the Manual will refine and replace IRAD's currently existing SOPs, [REDACTED], and other stand-alone I-590 guidance in favor of one cohesive, holistic, consistent, and transparent document for I-590 adjudicators to use in their work.

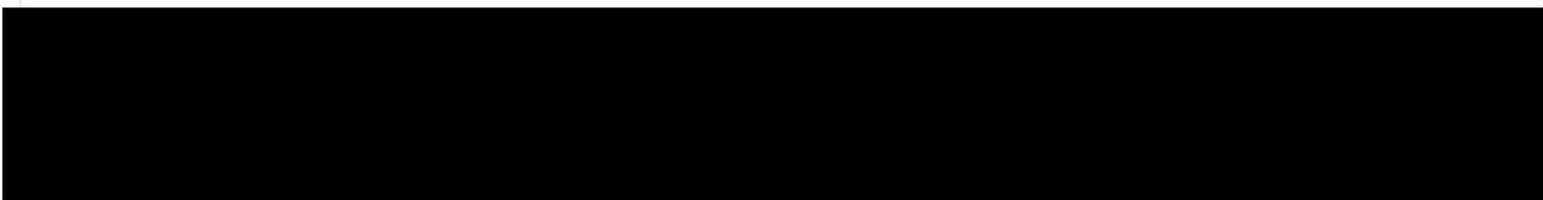
Once guidance is published in the Manual format, it becomes the official guidance that officers should follow when processing I-590 applications. The Adjudicator's Manual is to be followed by all Refugee Officers in the performance of their duties, but it does not remove their discretion in making adjudicatory decisions. In addition, the Manual is not intended to address all possible situations that an officer or supervisor may encounter. Rather, it should be used as a tool to assist adjudicators when needed, and also allow staff to identify unique situations that may require collaboration with IRAD Headquarters staff to address.

## b. Manual Structure

The I-590 Adjudicator's Manual is intended to further consistency, quality, and efficiency in the processing of refugee claims. The content will be organized into parts, chapters, and sections in conformance with the [USCIS Policy Manual](#), with the intent to integrate relevant content into that document in the future. The Manual will be maintained by IRAD Headquarters [REDACTED] in collaboration with all relevant IRAD branches and the Refugee Corps Section of the Refugee and International Operations Field Office (RIO), in order to ensure its accuracy, quality, and availability to adjudicators.



## c. How to Use the Manual



IRAD recognizes that at times, adjudicating officers may not have reliable access to the internet. Officers who find themselves in this situation are strongly encouraged to download the most recently available copy to their desktops or another sanctioned (but easy to access) location to preserve off-line access to the Manual.

**d. How to Suggest Corrections and Additions to the Manual**



## Module 14: Decisions

**a. General Principles**

Several substantive eligibility elements are different for principal refugee applicants (Principal Applicants) and derivatives. See INA §207(c)(1) and (c)(2). For example, the agency exercises its discretion to approve a Principal Applicant, but there is no discretionary component to approval of a derivative applicant.

It is the USCIS officer's responsibility to adjudicate the case as presented by the referring entity and as prepared by RSC. Derivative applicants cannot be approved without approval of the Principal Applicant.

There are instances in which the PA is found eligible for refugee resettlement, but a derivative case member is ineligible for resettlement.

**b. Types of Decision**

**i. Approval**

A USCIS officer only approves the I-590 when the applicant meets all eligibility requirements for admission as either a principal refugee applicant or a derivative, as applicable, required security checks are clear, and the agency exercises its discretion to approve the application.

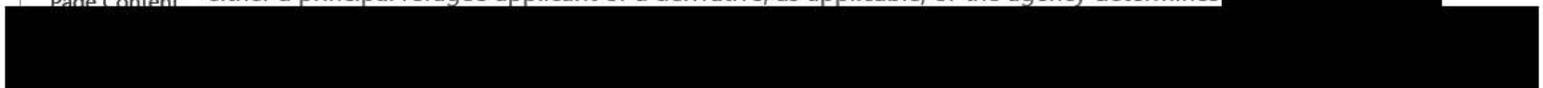
The approval is documented with a Notice of Eligibility for Resettlement issued to the Principal Applicant and listing all approved derivatives and completion of the Record of Decision for each applicant. Both the Notice and the Records of Decision are generated by USCIS. The Notice of Eligibility for Resettlement serves as notice of approval to the Principal Applicant, and the date this letter is provided to the applicant is the date of approval of the I-590. The Record of Decision serves as the administrative record of the I-590 approval and is either the physical stamp on the I-590 or the system-generated approval record.

The Notice of Eligibility for Resettlement explains that the application is conditionally approved. It states that final approval is conditioned upon successful completion of any remaining clearances that are required in the screening process. An approved applicant receives refugee status upon admission to the US as a refugee.

The RSC provides the Principal Applicant with the Notice of Eligibility for Resettlement. A copy of the Notice as well as the Records of Decision are included in the I-590 Record of Proceeding.

**ii. Denial**

A USCIS officer denies the I-590 when the applicant does not meet all eligibility requirements for admission as either a principal refugee applicant or a derivative, as applicable, or the agency determines



It is possible that the Principal Applicant is approvable and one or more derivative applicants are not. If the derivative applicant cannot be approved because he or she is barred or inadmissible, the Principal Applicant and approvable derivatives should be approved and the ineligible derivatives denied. [REDACTED]

The denial is documented with a Notice of Ineligibility for Resettlement issued to each applicant being denied and completion of the Record of Decision for each applicant. Both the Notices and the Records of Decision are generated by USCIS. The Notice of Ineligibility for Resettlement serves as notice of denial to the applicant, and the date this letter is provided to the applicant is the date of denial. The Record of Decision serves as the administrative record of the denial and is either the physical stamp on the I-590 or the system-generated denial record.

The Notice of Ineligibility for Resettlement explains that the application is denied, the reason(s) for denial, and that there is no appeal of the decision. It states that the agency may exercise its discretion to review a denial upon timely receipt of a request for review from the Principal Applicant. Any request for such review must be submitted by the Principal Applicant even if it is a derivative who is denied.

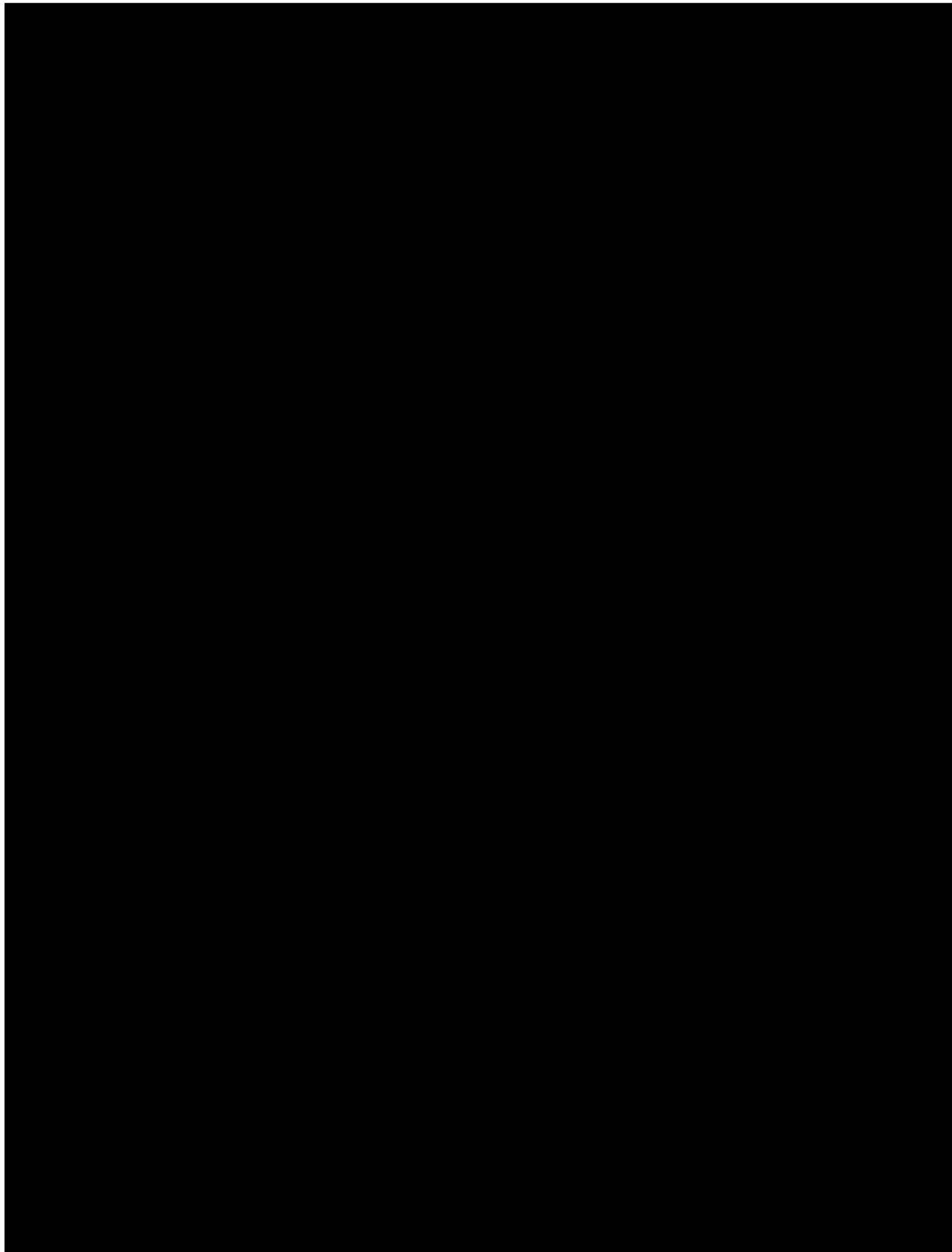
The RSC provides the Principal Applicant with any Notices of Ineligibility for Resettlement. Copies of the Notices as well as the Records of Decision are included in the I-590 Record of Proceeding.

iii. Deferral of Decision

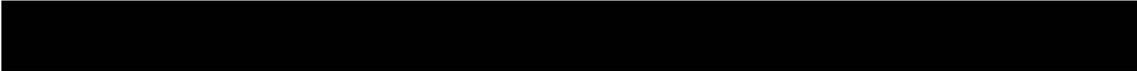
A USCIS officer issues a deferral notice when additional information is necessary to complete the adjudication. Deferral of decision may be required if security checks are outstanding or the applicant needs to submit documentary evidence in support of his or her application.

c. Recording the decision [REDACTED]

[REDACTED]



**d. Entering the Decision into Systems**



**e. Completing Decision Letters**

If the case is being approved, the adjudicating officer completes the Notice of Eligibility for Resettlement. The officer must list the names and A-Numbers of the Principal Applicant and derivatives being approved on the Notice of Eligibility.

If the Principal Applicant is being denied, the case is denied and all derivatives must be denied. The adjudicating officer completes a Notice of Ineligibility for Resettlement for each applicant being denied. The officer must enter the specific applicant's name and A-Number on the applicant's Notice. The Notice should include all denial reasons applicable to that applicant.

There are separate Notices of Ineligibility for Resettlement for Principal Applicants and derivative applicants. Each Notice lays out the denial reasons applicable to each type of applicant – Principal or derivative. The adjudicating officer completes denial letters for each applicant marking the applicable denial reason(s) for that applicant. If the applicant is being denied for admissibility or credibility, the USCIS officer must provide detail regarding the denial reason as indicated on the letter.



Note that there is a specific Notice of Ineligibility for Resettlement for Lautenberg program Principal Applicants.

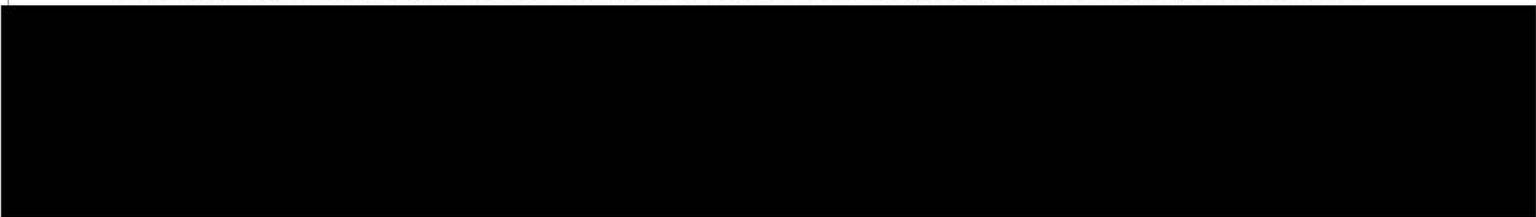
If the Principal Applicant is being approved and one or more derivative applicants are being denied, the adjudicating officer completes the Notice of Eligibility for Resettlement for the Principal Applicant and the derivatives being approved. The adjudicating officer completes individual Notices of Ineligibility for Resettlement for each applicant being denied marking the applicable denial reason(s) for each denied derivative.

## **Module 16: Refugee Waivers of Inadmissibility Grounds: Processing for I-590s (Interim Procedures)**

**a. Overview**

Refugees, including Form I-590 principal applicants and their derivatives, must be admissible to the United States as immigrants under INA § 207(c)(1). Principal applicants and derivatives who are otherwise eligible but found to be inadmissible may be eligible for a waiver of the grounds of inadmissibility. USCIS officers may adjudicate waivers either concurrently with the refugee adjudication, without requiring the applicant to request the waiver, or after the applicant has filed Form I-602, *Application by Refugee for Waiver of Inadmissibility Grounds*.

The adjudicating officer reviews all evidence in the record, either in hard copy or electronically, issues a Request for Evidence (RFE) if necessary, arrives at a discretionary decision after considering all the evidence, and records the



**b. Jurisdiction**

RIO has primary responsibility for the adjudication of waivers of inadmissibility grounds for refugee applicants. RIO officers adjudicating refugee applications may adjudicate waivers in the course of their refugee adjudications. In such cases, the same officer who is adjudicating the underlying Form I-590 application generally adjudicates the waiver for any applicant who is found inadmissible and eligible for a waiver.

**c. Authorities and Legal Framework**

Section 207(c)(1) of the INA provides that refugees must be admissible to the United States as immigrants. INA § 207(c)(3) provides that three of the ten categories of inadmissibility grounds found in INA § 212(a) do not apply to refugees. The other seven categories of inadmissibility grounds listed in INA § 212(a) apply to refugees. The following table illustrates which grounds of inadmissibility apply to refugees and which do not:

<i>INA Section</i>	<i>Inadmissibility Category</i>	<i>Applicable to Refugees</i>
§ 212(a)(1)	Health-related grounds	Yes
§ 212(a)(2)	Criminal and related grounds	Yes
§ 212(a)(3)	Security and related grounds	Yes
§ 212(a)(4)	Public charge	No
§ 212(a)(5)	Labor certification	No
§ 212(a)(6)	Illegal entrants and immigration violators	Yes
§ 212(a)(7)(A)	Immigrant documentation requirements	No
§ 212(a)(8)	Ineligible for citizenship	Yes
§ 212(a)(9)	Alien previously removed or unlawfully present	Yes
§ 212(a)(10)	Miscellaneous	Yes

INA § 207(c)(3) provides for a discretionary waiver for refugee applicants for all applicable inadmissibility grounds, except for the following, which cannot be waived:

- INA § 212(a)(2)(C) – Controlled substance traffickers;
- INA § 212(a)(3)(A) – Espionage, sabotage and other security related grounds;
- INA § 212(a)(3)(B) – Terrorist activities;
- INA § 212(a)(3)(C) – Adverse foreign policy consequences; and
- INA § 212(a)(3)(E) – Participants in Nazi persecution, genocide, or the commission of any act of torture or extrajudicial killing.

The three possible bases for a waiver of grounds of inadmissibility for a refugee applicant are listed at INA § 207(c)(3): humanitarian purposes, family unity, or when it is in the public interest. These three bases are available for all waivable grounds of inadmissibility that apply to refugees.

The statute and regulations do not require the applicant to file a request for a waiver of inadmissibility in order for officers to approve a waiver. Consistent with USCIS practice in adjudicating waivers of inadmissibility under INA § 209(c) for refugees applying for adjustment of status, USCIS may approve waivers under INA § 207(c)(3) concurrently with the Form I-590 application without requiring the applicant to file a request for the waiver in cases where there is sufficient information in the record to determine that the applicant is eligible for a waiver and merits the waiver in the exercise of discretion.

If the officer determines that the applicant is eligible for a waiver, but the officer would not exercise discretion to approve a waiver based on the evidence in the record, the applicant will be given an opportunity to request a waiver by filing a Form I-602. 8 CFR § 207.3(b) describes the filing requirements for refugee waivers of inadmissibility in cases where the applicant requests a waiver. The applicant bears the burden of establishing that they should be granted a waiver. USCIS must notify the applicant of the waiver decision in writing and, if the waiver is denied, include the reasons for denial. If the waiver is denied, the applicant cannot appeal the decision but can file a new Form I-602. A single Form I-602 may cover multiple inadmissibility grounds.

#### **d. Pre-Decision Processing**

##### **i. Determining Whether the Waiver may be Adjudicated without the Submission of Form I-602**

When an officer interviewing a Form I-590 applicant determines that the applicant may be inadmissible under INA § 212, the officer must elicit sufficient testimony to determine whether the individual is in fact inadmissible and statutorily eligible for a waiver of the ground of inadmissibility, and, if so, would merit the waiver in the exercise of discretion, considering all relevant positive and negative discretionary factors. Following the interview, the officer reviews the record and determines whether the applicant is required to file Form I-602.

### iii. Procedures to Follow When RIO Receives Form I-602

#### 1. Check the Form I-602 for Completeness

Form I-602, Application by Refugee for Waiver of Inadmissibility Grounds, is designed to contain the following information:

Part 1 records the applicant's biographical information, including the applicant's full legal name, place of birth, mailing address, physical address (if different from the mailing address), A number (if any), USCIS Online Account Number (if any), date of birth, country of citizenship or nationality, and current status as a refugee or asylee inside or outside the United States.

Part 2 records the section(s) of law citing the relevant ground(s) of inadmissibility, a statement of why the ground(s) of inadmissibility apply, the applicant's reasons for requesting the waiver, and the applicant's reasons why they believe the waiver should be granted in the exercise of discretion. The ground(s) identified on the waiver should match those identified on the notice to the applicant.

Part 3 is to be completed by applicants who have or have had a physical or mental disorder and behavior associated with the disorder. It records a signed statement by the applicant that they will seek medical treatment in the United States and a signed statement by the physician or representative of the health facility where the applicant will receive treatment agreeing to supply treatment, as well as the contact information for the physician or facility.

Part 4 is to be completed by applicants with Class A tuberculosis conditions. It records a signed statement by the applicant that they will seek treatment at the local health department in the area where the

applicant plans to reside, a signed statement by the physician at the local health department agreeing to supply necessary treatment or observation, and an endorsement by a state health department official, as well as the contact information for the physician and the state health department official.

Part 5 records the applicant's statement, contact information, declaration, certification, and signature.

Part 6 records the contact information, certification, and signature for the interpreter, if any, who read the questions and instructions on the application to the applicant in a language in which they are fluent.

Part 7 records the contact information, certification, and signature for the preparer, if any, who prepared the application for the applicant.

Parts 1, 2, and 5 must be completed on every Form I-602 received by USCIS. Part 3 must be completed for all applicants who have or have had a mental or physical disorder and behavior, and Part 4 must be completed for all applicants with Class A tuberculosis conditions. Part 6 must be completed if an interpreter was used in the preparation of the application, while Part 7 must be completed if someone other than the applicant prepared the application.

When a Form I-602 is received, the officer reviews it for completeness before entering it in CAMINO. If any required information is missing from a Form I-602 prepared with the assistance of the RSC, the officer contacts the RSC and requests that the RSC counsel the applicant to submit a completed Form I-602.

## **e. Adjudication Process**

### **i. Review Inadmissibility Finding**

In cases in which a Form I-590 applicant has been notified that they have been found inadmissible and eligible to file Form I-602, the applicant may provide evidence to contest the finding of inadmissibility and/or file a Form I-602 in response. If the applicant contests the finding of inadmissibility, the officer must determine whether the response is sufficient to rebut the evidence of inadmissibility. If the response is sufficient to show that the applicant is admissible, no Form I-602 is necessary.

Officers may encounter other cases in which the applicant has filed a Form I-602 that was not necessary or for which they were not eligible. Such cases may include those in which the inadmissibility finding was erroneous, cases in which the inadmissibility finding is no longer applicable, and cases in which the applicant was not eligible to file Form I-602.

## ii. Supporting Documentation

There is no requirement that a waiver application include specific supporting documentation, except for certain health-related grounds of inadmissibility. However, an applicant for a waiver may submit evidence in support of the application. Such evidence may include, but is not limited to, personal affidavits or statements, medical documentation, and arrest records. The adjudicator should review all relevant documents in the record, including [REDACTED]

If specific additional documentary evidence is necessary to adjudicate the waiver and is reasonably available to the applicant, the adjudicator issues an RFE and transmits it through the RSC. For a response to an RFE to be considered timely, it must be received no later than 98 days after the RFE was issued. If the response to the RFE is not received within 98 days, the waiver application may be denied for failure to prosecute.

## iii. Discretionary Decision and Documentation Requirements

Regardless of whether the waiver application is being adjudicated using Form I-602, the officer adjudicates the waiver by weighing the positive and negative discretionary factors presented in the case. When evaluating whether an applicant merits a waiver as a matter of discretion, the officer must balance humanitarian, family unity, and/or public interest considerations against the seriousness of the offense or circumstances that render the applicant inadmissible. [REDACTED]

## iv. Specific Procedures for Health-Related Inadmissibility Grounds

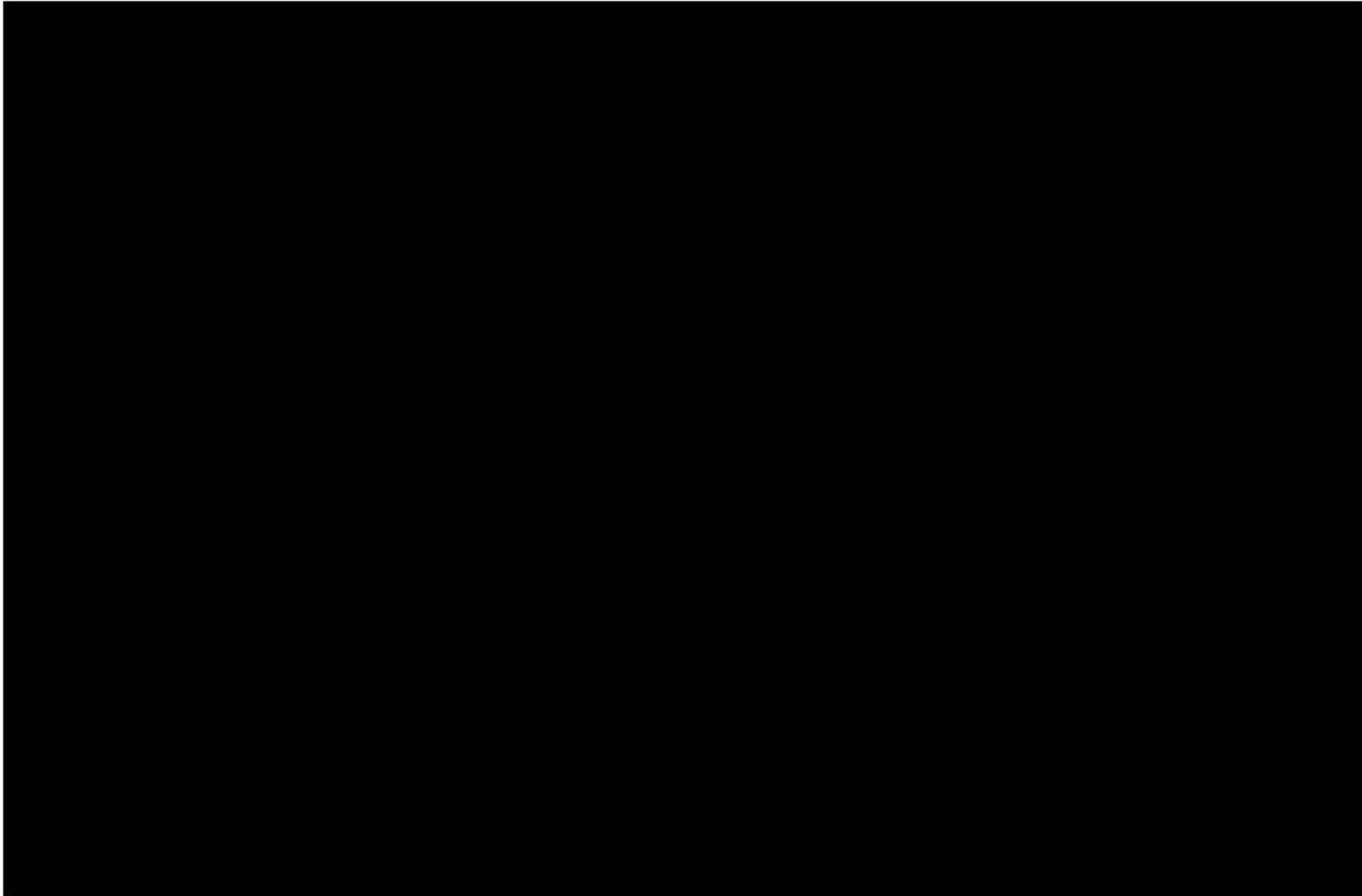
### 1. Medical Classification

Refugee applicants who are inadmissible based on the health-related grounds of inadmissibility at INA § 212(a)(1) must use Form I-602 to request a waiver of inadmissibility. [REDACTED]

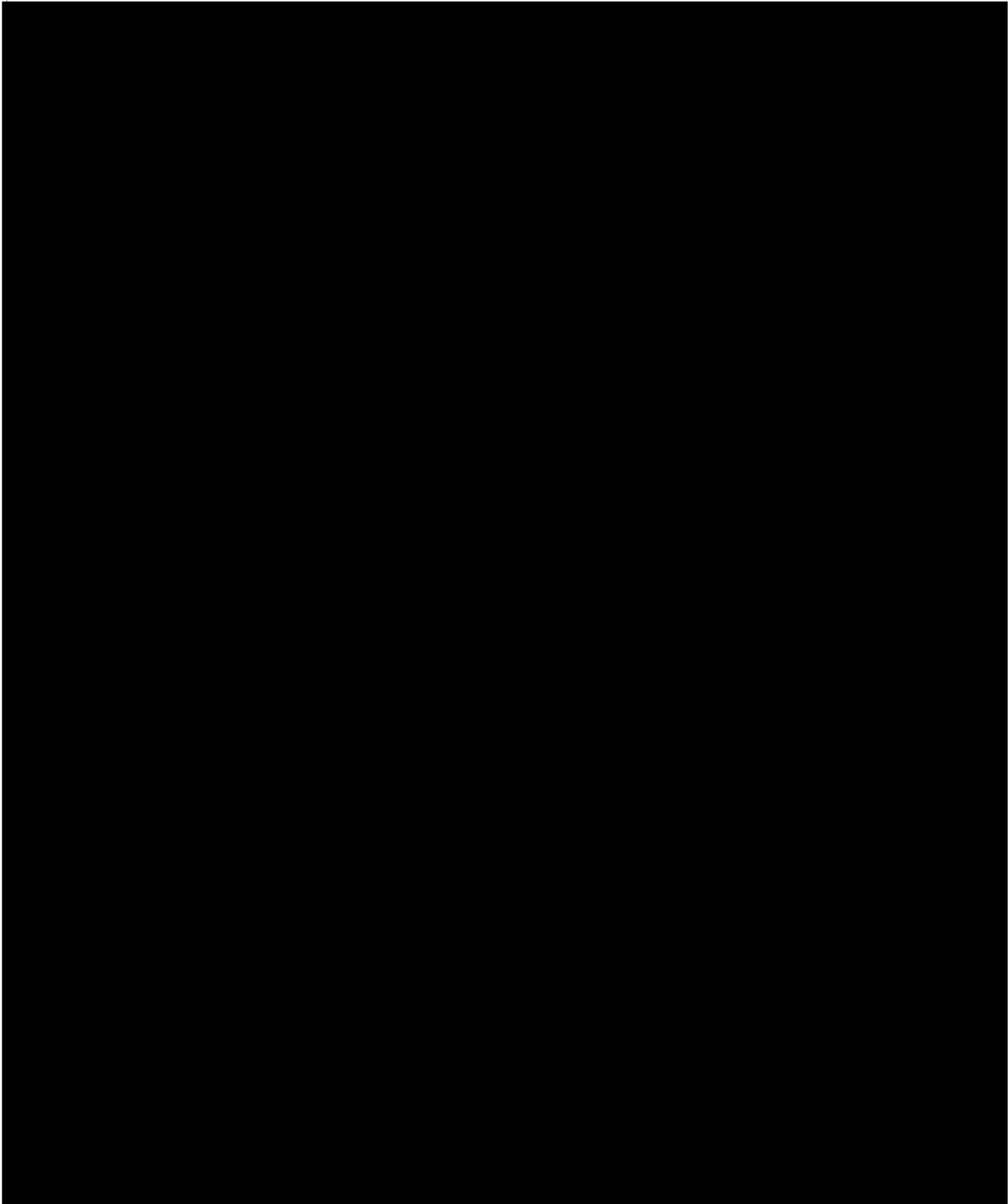
Class A medical conditions are physical or mental disorders, including communicable diseases of public health significance or substance-related disorders, that render an alien ineligible for admission or adjustment of status. Class B conditions are physical or mental diseases that amount to a substantial departure from normal well-being, such as diabetes and hypertension. Only Class A diagnoses lead to inadmissibility. An individual given a Class B designation is not inadmissible for health-related reasons and thus does not need to request a waiver.

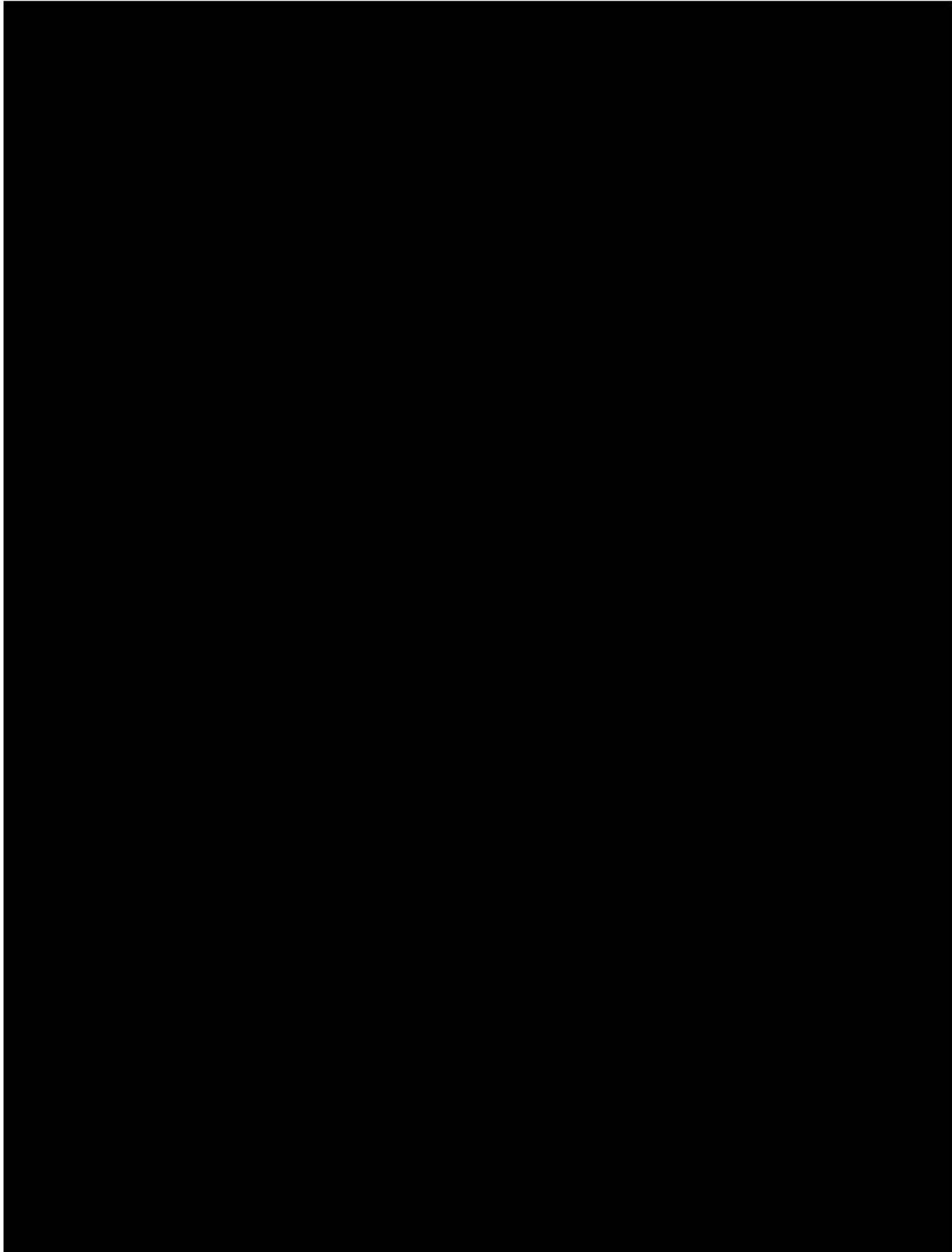
Health classifications are listed on [Form DS-2054](#).

2. Form I-602 for Applicants with Class A Medical Conditions



f. **Post-Adjudication Processing**





**g. Tracking**

All waiver adjudications must be recorded in CAMINO. RAIO tracks waiver adjudications to maintain data integrity and workflow efficiency. INA § 207(c)(3) requires an annual report to Congress on the number of inadmissibility waivers granted to refugees and the bases for the waivers.

## Module 22: Table of Acronyms

<b>A-Number</b>	Alien Registration Number
<b>AOR</b>	Affidavit of Relationship
<b>BID</b>	UNHCR Best Interests Determination
<b>CA</b>	Central American
<b>CAR</b> Page Content	Case Availability

Reason

**CBP** Customs and Border Protection

**CFR** Code of Federal Regulations

**CLASS** Consular Lookout Automated Support System

**DD** Discretionary Denial

**DHS** Department of Homeland Security

**DOB** Date of Birth

**DOS** Department of State

**FA** Father

**FDNS** Fraud Detection and National Security

**FNU** First Name Unknown

**FOUO** For Official Use Only

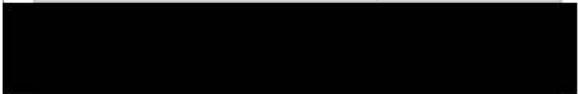
Page Content  
HQ

Headquarters

<b>INA</b>	Immigration and Nationality Act
<b>IRAD</b>	International and Refugee Affairs Division
<b>LES</b>	Law Enforcement Sensitive
<b>LNU</b>	Last Name Unknown
<b>MENA</b>	Middle East North Africa
<b>MO</b>	Mother



<b>NGO</b>	Non-Governmental Organization
<b>NMI</b>	No Middle Name
<b>NS</b>	National Security
<b>PA</b>	Principal Applicant



<b>POB</b>	Place of Birth
<b>POC</b>	Point of Contact
<b>POE</b>	Port of Entry
<b>PRM</b>	Department of State Bureau of Population, Refugees, and Migration



<b>RE-1</b> Page Content	Principal Applicant (PA)
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	Applicant (PA) or possible "add-on" derivative claim
<b>RE-2</b>	Spouse of PA or I-730 Refugee Petition Beneficiary
<b>RE-3</b>	Child of PA or I-730 Refugee Petition Beneficiary
<b>RFR</b>	Request for Review
<b>RI</b>	Reinterview
<b>RICS</b>	Reinterview Cover Sheet
<b>RIO</b>	Refugee and International Operations

<b>RPC</b>	Refugee Processing Center
<b>RRF</b>	UNHCR Resettlement Registration Form
<b>RSC</b>	Resettlement Support Center
<b>RTQ</b>	Response to Query

<b>SOP</b>	Standard Operating Procedure
<b>SVPI</b>	Security Vetting and Program



