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Immigration

USCIS Incorporates General Adjudications Guidance Into Policy Manual

Legal Update

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By Immigration Group

This article was prepared with the assistance of ABIL, the Alliance of Business Immigration Lawyers, of which Loan Huynh, Fredrikson Immigration Department Chair, is a member.

U.S. Citizenship and Immigration Services (USCIS) announced on November 23, 2021, that it is incorporating existing guidance from the Adjudicator's Field Manual (AFM) into the USCIS Policy Manual. In general, USCIS said the update does not make major substantive changes but simply consolidates and incorporates existing AFM guidance on general adjudication topics into the Policy Manual, streamlines USCIS immigration policy and removes obsolete information.

Among other things, USCIS said the update "explains how officers should handle cases involving unreliable evidence, including consulting the Department of State's Reciprocity Table, providing information on voluntary DNA collection options and referring certain cases for in-person interviews. The update also clarifies "that when a petitioner, beneficiary or authorized representative requests a copy of a signed sworn statement taken during an interview, officers provide a copy of the statement to the affiant (the person making the statement) at the conclusion of the interview where the statement was taken."