



May 5, 2016

PM-602-0132

Policy Memorandum

SUBJECT: Revised Guidance for Processing Refugee Cases Involving Terrorism-Related Inadmissibility Grounds and Amendment to the Hold Policy for Such Cases

Purpose

This policy memorandum (PM) revises the agency hold policy for association or activity involving terrorism-related inadmissibility grounds (TRIG).

Scope

This PM applies to and binds all USCIS employees.

Authorities

Sections 212(a)(3)(B) and 212(d)(3)(B)(i) of the Immigration and Nationality Act (INA)

Policy

I. Current Policy

The current agency hold policy¹ encompasses the following categories of cases:

1. Applicants who are inadmissible under the terrorism-related provisions of the INA based on any activity or association that was *not under duress* relating to any undesignated terrorist organization defined under INA Section (212)(a)(3)(B)(vi)(III) (“Tier III”), other than those for which an exemption currently exists;
2. Applicants who are inadmissible under the terrorism-related provisions of the INA based on any activity or association related to a Tier I, Tier II or Tier III terrorist organization where the activity or association was *under duress* and for which an exemption does not currently exist.
3. Applicants who are inadmissible under INA 212(a)(3)(B)(i)(IX) as the spouses or children of aliens described above, whether or not the spouse or parent has applied for an immigration benefit.

¹ See “Revised Guidance on the Adjudication of Cases involving Terrorist-Related Inadmissibility Grounds and Amendment to the Hold Policy for such Cases” Memo, Michael Aytes, Acting Deputy Director (February 13, 2009); Policy Memorandum 602-0051, “Revised Guidance on the Adjudication of Cases Involving Terrorism-Related Inadmissibility Grounds (TRIG) and Further Amendment to the Hold Policy for Such Cases,” (November 20, 2011).

II. Revisions to the Hold Policy with Respect to Refugee Applicants

Effective immediately, cases involving applicants for refugee status for which no existing exemption applies should not remain or be placed on hold, apart from those which may be affected by a pending exercise of the discretionary exemption authority or considered by USCIS for an individual Secretarial exemption. Applicants for refugee status are physically located overseas. Adjudication of refugee applications may allow these applicants to seek other available alternate resettlement options instead of remaining on hold. Adjudicators who encounter a refugee case where TRIG applies and for which no exemption is available should recommend denial of the application based on the applicable inadmissibility ground and refer the case to Refugee Affairs Division Headquarters for final review and decision.

Contact Information

Questions should be directed through the component chain of command to your component's TRIG point of contact.