



PM-602-0137

October 5, 2016

Policy Memorandum

SUBJECT: Revised Guidance for Processing Asylum 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, other than applicants for refugee status, 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, other than applicants for refugee status, who are inadmissible under the terrorism-related provisions of the INA based on any activity or association related to any terrorist organization defined under INA Sections (212)(a)(3)(B)(vi)(I), (II), or (III) (“Tier I,”

¹ See PM-602-0132, “Revised Guidance for Processing Refugee Cases Involving Terrorism-Related Inadmissibility Grounds and Amendment to the Hold Policy for Such Cases,” May 5, 2016; “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); PM- 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.

“Tier II” or Tier III) where the activity or association was *under duress* and for which an exemption does not currently exist.

3. Applicants, other than applicants for refugee status, 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.

II. Revisions to the Hold Policy with Respect to Applicants for Asylum and Section 203 of NACARA

Effective immediately, applications for asylum and for suspension of deportation or special rule cancellation of removal under Section 203 of the Nicaraguan Adjustment and Central American Relief Act (NACARA) for which there is no existing exercise of the TRIG exemption authority should not remain or be placed on hold absent direction to do so from Asylum Headquarters. Asylum Officers adjudicating these applications should process each case as a referral or denial. Prior to service of the decision, Asylum Division Headquarters review is mandatory.

Contact Information

Questions should be directed to the Asylum Division Headquarters TRIG point of contact or the Asylum Division Quality Assurance Branch Chief.