Appendix: Bona Fide Determination Process Flowchart

Form I-918 filed by principal petitioner living in the United States is received by USCIS.

Is the U nonimmigrant status petition bona fide?

Is I-918 (petition for U nonimmigrant status) properly completed and signed?

Is I-918B (law enforcement certification) properly completed and signed?

Does the filing include a signed statement from the principal petitioner?

Has USCIS collected biometrics from the principal petitioner?

No

No



May USCIS issue a Bona Fide Determination (BFD) Employment Authorization Document (EAD) and Deferred Action?

Yes

Has the officer determined that the principal petitioner has filed a complete Form I-918? Has USCIS reviewed the results of the principal petitioner's biometrics?

Should USCIS exercise its discretion to grant EAD and deferred action because background checks have not revealed a national security or public safety risk, and the petitioner otherwise merits a favorable exercise of discretion?

Eligible for Waiting List Placement?

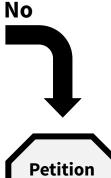
Has USCIS collected biometrics from the principal petitioner?

Has the officer identified all deficiencies within filing (if any)?

Has the officer issued an RFE notifying the principal petitioner that a BFD EAD cannot be issued and the initiation of waiting list adjudication?

Has the officer conducted full waiting list adjudication (discretion included)?

Has the officer determined that the principal petitioner has met all eligibility requirements?



Denied

