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DEPARTMENT OF HOMELAND SECURITY

8 CFR Part 207

[CIS No. 2856-26; DHS Docket No. USCIS-2026-0397]

RIN 1615-AD23

Removing 30-Day Refugee Termination Notice

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security (DHS).

ACTION: Interim final rule.

SUMMARY: This interim final rule (IFR) amends Department of Homeland Security (DHS) regulations to expedite termination of refugee status when DHS determines an alien was not a refugee within the meaning of section 101(a)(42) of the Immigration and Nationality Act at the time of admission to the United States. The response period to a Notice of Intent to Terminate (NOIT) is reduced from thirty to ten days. These changes aim to restore integrity to the immigration system, mitigate risks to national security and public safety, and prevent fraud and exploitation.

DATES: This IFR is effective on [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER]. Written comments and related materials must be submitted on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. The electronic Federal Docket Management System will accept comments prior to midnight Eastern Time at the end of that day.

ADDRESSES: You may submit comments on the entirety of this rulemaking package, identified by DHS Docket No. USCIS-2026-0397, through the Federal eRulemaking Portal: <https://www.regulations.gov>. Follow the website instructions for submitting comments.

Comments must be submitted in English, or an English translation must be provided. Comments that will provide the most assistance to USCIS in implementing these changes will reference a specific portion of the Interim Final Rule, explain the reason for any recommended change, and include data, information, or authority that support such recommended change. Comments submitted in a manner other than the one listed above, including e-mails or letters sent to DHS or USCIS officials, will not be considered comments on the Interim Final Rule and may not receive a response from DHS. Please note that DHS and USCIS cannot accept any comments that are hand-delivered or couriered. In addition, USCIS cannot accept comments contained on any form of digital media storage devices, such as CDs/DVDs and USB drives. USCIS is also not accepting mailed comments at this time. If you cannot submit your comment by using <https://www.regulations.gov>, please contact the Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security, by telephone at (240) 721-3000 for alternate instructions.

FOR FURTHER INFORMATION CONTACT: Security, Public Safety, and Global Vetting Division (SPSG), Office of Policy & Strategy, U.S. Citizenship and Immigration Services (USCIS), DHS, 5900 Capital Gateway Drive, Camp Springs, MD 20746; telephone (240) 721-3000. Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 711.

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Table of Abbreviations

APA—Administrative Procedure Act
 CBP—U.S. Customs and Border Protection
 CDAO - Chief Data and Analytics Office
 CFR—Code of Federal Regulations
 COI—Country-of-Origin Information
 CPI-U—Consumer Price Index for All Urban Consumers
 CRA—Congressional Review Act
 DHS—Department of Homeland Security
 E.O.—Executive Order
 FR—Federal Register
 FY—Fiscal Year
 HSA—Homeland Security Act
 ICE—U.S. Immigration and Customs Enforcement
 IFR—Interim Final Rule
 INA—Immigration and Nationality Act
 LPR—Lawful Permanent Residence/Resident
 NEPA—National Environmental Policy Act
 NOIT—Notice of Intent to Terminate
 OIRA—Office of Information and Regulatory Affairs
 OMB—Office of Management and Budget
 OPLA—Office of the Principal Legal Advisor
 OPQ – Office of Performance and Quality
 PARRIS—Post-Admission Refugee Reverification and Integrity Strengthening
 PRA—Paperwork Reduction Act
 RFA—Regulatory Flexibility Act
 SBREFA—Small Business Regulatory Enforcement Fairness Act of 1996

Secretary—Secretary of Homeland Security
State—Department of State
UMRA—Unfunded Mandates Reform Act of 1995
UNHCR—United Nations High Commissioner for Refugees
USC—United States Code
USCIS—U.S. Citizenship and Immigration Services
USRAP—United States Refugee Admissions Program

I. Public Participation

DHS invites all interested parties to participate in this rulemaking by submitting written data, views, comments and arguments on all aspects of this IFR. DHS also invites comments that relate to the economic, environmental, or federalism effects that might result from this IFR. Comments must be submitted in English, or an English translation must be provided. Comments that will provide the most assistance to USCIS in implementing these changes will reference a specific portion of the IFR, explain the reason for any recommended change, and include data, information, or authority that support such recommended change. Comments submitted in a manner other than the one listed above, including e-mails or letters sent to DHS or USCIS officials, will not be considered comments on the IFR and may not receive a response from DHS.

Instructions: If you submit a comment, you must include the agency name (U.S. Citizenship and Immigration Services) and the DHS Docket No. USCIS-2026-0397 for this rulemaking. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at <https://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary public comment submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy and Security Notice available at <https://www.regulations.gov>.

Docket: For access to the docket and to read background documents or comments received, go to <https://www.regulations.gov>, referencing DHS Docket No. USCIS-2026-0397. You may also sign up for email alerts on the online docket to be notified when comments are posted or a final rule is published.

II. Executive Summary

A. Purpose of the Regulatory Action

The purpose of this rulemaking is to shorten the termination notice period in order to mitigate potential risks posed by aliens admitted to the United States as refugees when, in fact, they were not eligible for refugee classification at the time of admission. Those who are improperly admitted may not have their identity fully confirmed and vetted due to an incomplete record, and as such pose a risk to program integrity and may pose a risk to national security and public safety. A review of refugee processing policies and procedures implemented under the Biden administration indicates an alarming erosion of integrity leading to aliens being admitted to the United States as refugees when their identities, eligibility for refugee classification, and admissibility were determined based on incomplete records.¹ Operational guidance implemented during this period allowed officers to forgo typical lines of inquiry, sacrificing the caliber and efficacy of the refugee interview, a critical screening component of the refugee adjudication process.² The priority of expediency over quality encouraged a lack of robust interviews. Certain questions to ensure that aliens were eligible for refugee status prior to admission to the

¹ Refugee applicants have the burden to establish their identity for purposes of immigration benefits. Identity is a critical element in refugee adjudications because it helps verify that the applicant is who they say they are. Identity can be established through the collection of biometrics, documentary evidence, and testimony. In the refugee context, testimony is a primary source of evidence. It provides valuable information about the applicant's background, familial relations, past experiences, and associations which provide context in establishing who the applicant is as a person and whether they are eligible for the benefit sought. An applicant's capacity to demonstrate their identity to the satisfaction of the U.S. Government, ensuring that officials are confident in the applicant's identity, is a necessary step in determining eligibility for the immigration benefit requested.

² Cases of resettled refugees residing in Minnesota were reviewed as part of an initial pilot operation cohort to reinforce recent joint antifraud enforcement actions, such as Operation Twin Shield, conducted with other law enforcement partners including ICE and the FBI.

United States were omitted and this increased the risk of ineligible aliens being approved for refugee classification and subsequently admitted to the United States. This is supported by a recent preliminary review of admitted refugees residing in Minnesota who were interviewed, approved, and admitted during the Biden administration. For the majority of these reviewed cases, the evidence was insufficient to establish that the principal applicant met all of the required elements of the refugee definition.³ The goal was to have as many refugees as practicable enter the United States to meet President Biden's ceiling for refugee admissions and in order to accomplish this, a number of requirements for ensuring a thorough examination and assessment of eligibility were reduced or removed.

This raises concerns about the integrity of the refugee program and calls into question the eligibility for refugee status of aliens admitted to the United States during this time. As detailed below in this preamble, several policy decisions were implemented that significantly reduced the integrity measures within the refugee program. These changes resulted in an increase in the number of refugee interviews conducted per officer each day, with less comprehensive elicitation of testimony from applicants. These adjustments limited the ability of refugee officers, and the U.S. government to accurately determine whether an applicant's identity was properly established, assess potential national security or public safety concerns, and verify whether the applicant met the definition of a refugee.

To protect U.S. interests and public safety, USCIS must act swiftly when DHS determines that an alien did not meet the refugee definition and was not entitled to refugee status at the time of admission. Shortening the NOIT response period enables DHS to respond rapidly to such findings. Allowing a longer notice period could provide

³ See USCIS Announces Results of Operation Twin Shield, a Large-Scale Immigration Fraud Investigation (Sept. 30, 2025), <https://www.uscis.gov/newsroom/news-releases/uscis-announces-results-of-operation-twin-shield-a-large-scale-immigration-fraud-investigation>.

opportunities for aliens to evade enforcement or engage in harmful activities. For example, the Fraud Detection and National Security (FDNS) Directorate investigated cases where refugees were later identified as members of armed groups or had concealed extremist affiliations. In one case, a refugee was found to have participated in human rights abuses with the Liberian Armed Forces during the Liberian Civil War. In another case, a refugee was found to have misrepresented his involvement with the Oromo Liberation Front (OLF), an armed group in Ethiopia. Social media checks indicated numerous pro-OLF activities and pro-OLF and radical violent rhetoric posted prior to his admission to the United States as a refugee. These cases demonstrate that when credible evidence of national security or public safety concerns arises after a refugee's admission, USCIS may be unable to initiate removal proceedings until the termination process is complete. Therefore, reducing the response period to ten days after issuance of a NOIT allows USCIS to address such threats more quickly and effectively, restoring integrity to the immigration system.

To be eligible for admission to the United States as a refugee, an alien must establish, among other things, that they meet the definition of "refugee" as defined in section 101(a)(42)(A) and (B) of the INA, 8 U.S.C. 1101(a)(42)(A) and (B), which includes the requirement that they are not a persecutor. When USCIS discovers after an alien's admission to the United States that they should not have been admitted because they did not meet the refugee definition and therefore the eligibility requirements for refugee classification at the time of admission, it is important to protect the integrity of the American immigration system by taking whatever steps are legally available, including ensuring that the alien is removed from the United States as quickly as possible where there is a legal basis to do so. There is an inherent risk to national security and public safety when an alien's identity has not been fully established. Therefore, the ability to streamline refugee status termination, where appropriate, contributes

immediately to the safety of the American people and the integrity of the lawful U.S. immigration system.

The current notice and response process for terminating refugee status upon determination that the alien was not a refugee at the time of their admission is inefficient and compromises the security and safety of the United States. Providing 30 days to respond to a NOIT, instead of a 10-day response period, allows ineligible aliens more time to retain immigration benefits to which they are not entitled, undermining the integrity of the U.S. immigration system and national interests of the United States. Moreover, when an alien retains a status he or she is not entitled to, while also being inadequately vetted with insufficient information as to their true identity, there is a risk to American society's safety and security.

B. Legal Authority

The Secretary of Homeland Security's (Secretary) authority for the regulatory amendment made in this IFR is found in various provisions of the Immigration and Nationality Act (INA), 8 U.S.C. 1101 *et seq.*, and the Homeland Security Act of 2002 (HSA), Pub. L. 107-296, 116 Stat. 2135 (codified in part at 6 U.S.C. 101 *et seq.*). Under the INA, the Secretary has authority over the admission, termination of status, removal, and adjustment of status of refugees. *See, e.g.*, INA 207, 209, 8 U.S.C. 1157, 1159.⁴ Most importantly, section 207(c)(4) of the INA, 8 U.S.C. 1157(c)(4), allows the Secretary to terminate the refugee status of any alien and the alien's spouse or children if the Secretary determines that the alien "was not in fact a refugee . . . at the time of the alien's admission" and expressly authorizes the Secretary to issue regulations governing the

⁴ *See also* HSA 451(b)(3), (5), 6 U.S.C. 271(b)(3), (5) (transferring the authority to adjudicate refugee applications and other adjudications performed before the enactment of the HSA from the Immigration and Naturalization Service ("INS") to DHS).

procedures for such terminations. The Secretary has delegated the authority to grant refugee status and to adjust or terminate such status to USCIS.⁵

General authority for issuing this IFR is found in section 103(a) of the INA, 8 U.S.C. 1103(a), which authorizes the Secretary to administer and enforce the immigration and nationality laws and establish such regulations as the Secretary deems necessary for carrying out such authority, as well as section 102 of the HSA, 6 U.S.C. 112, which vests all of the functions of DHS in the Secretary and authorizes the Secretary to issue regulations.⁶ Additional authority for this rule is found in:

- Section 101(b)(1)(F) of the HSA, 6 U.S.C. 111(b)(1)(F), which establishes as a primary mission of DHS the duty to, “ensure that the overall economic security of the United States is not diminished by efforts, activities, and programs aimed at securing the homeland;”
- Section 101(a)(42) of the INA, 8 U.S.C. 1101(a)(42), which defines a refugee; and
- Section 451(a)(3) of the HSA, 6 U.S.C. 271(a)(3), which confers authority on the USCIS Director to establish “policies for performing [immigration adjudication] functions.”

C. Summary of the Regulatory Action

Through this IFR, DHS is amending 8 CFR 207.9 to change the 30-day notice-and-response period for aliens whose refugee status is terminated by USCIS to a 10-day notice-and-response period.

⁵ See DHS, Delegation to the Bureau of Citizenship and Immigration Services, No. 0150.1 (June 5, 2003), <https://www.hsdl.org/?abstract&did=234775>; see also 8 CFR 207.4, 207.9; 8 CFR 209.1.

⁶ Although several provisions of the INA discussed in this IFR refer exclusively to the “Attorney General,” such provisions are now to be read as referring to the Secretary by operation of the HSA. See 6 U.S.C. 202(3), 251, 271(b), 542 note, and 557; 8 U.S.C. 1103(a)(1) and (g), 1551 note; *Nielsen v. Preap*, 586 U.S. 392, 397 n.2 (2019).

D. Related Rulemakings

DHS is engaging in multiple rulemaking actions that are in various stages of development.⁷ DHS has considered and analyzed each of these rules for peripheral, overlapping, and interrelated effects on this rule and has found none, as this IFR is narrowly focused on refugee termination procedures.

DHS has also, to the extent possible, considered the effects, if any, of possible policy changes of which USCIS is aware. For example, a memorandum issued jointly by ICE and USCIS on February 18, 2026, impacting individuals with refugee status states, “the policy of USCIS and ICE regarding when, and under what circumstances, immigration officers may detain refugees who have failed to adjust to lawful permanent resident status.”⁸ The policy changes announced in the memo relate to the statutory requirement at INA 209, 8 U.S.C. 1159, governing the conditional admission of refugees and their adjustment of status, and provide that DHS may arrest and detain a refugee who has lived in the United States for at least one year and has not yet acquired LPR status under INA 209(a)(1), 8 U.S.C. 1159(a)(1), to inspect and examine the refugee for admission as an LPR.⁹ While the policy changes are similarly aimed at protecting the public interest through vetting of aliens admitted as refugees, including vetting for national security, public safety, and fraud-related issues, the focus of this rule is on procedures in terminations cases, not the custody, arrest or detention of a refugee who has failed to adjust status.

⁷ See Office of Information and Regulatory Affairs, “2026 Regulatory Plan and the Unified Agenda of Federal Regulatory and Deregulatory Actions,” <https://www.reginfo.gov/public/do/eAgendaMain> (last visited July 15, 2026).

⁸ Memorandum from Joseph B. Edlow, Director, U.S. Citizenship and Immigration Services, and Todd M. Lyons, Senior Official Performing the Duties of the Director, U.S. Immigration and Customs Enforcement, “Detention of Refugees Who Have Failed to Adjust to Lawful Permanent Resident Status,” (Feb. 18, 2026).

⁹ On March 23, 2026, a U.S. District Court in the District of Massachusetts stayed DHS’s adoption and implementation of the policies outlined in the February 18, 2026, Memo related to the arrest and detention of refugees who have lived in the United States for more than one year and have not acquired LPR status. See *Jean A. v. Noem*, 2026 WL 805207, at * 1 (D. Mass. Mar. 23, 2026).

DHS invites the public to submit comments during the 30-day comment period regarding anticipated interaction with related rules and policy changes.

III. Background and Purpose

A. Initial Refugee Processing

Refugee status in the United States is a highly sought after immigration benefit for displaced persons throughout the world due in part to the benefits it bestows as well as a pathway to permanent status. Resettlement to the United States through the United States Refugee Admissions Program (USRAP) is a multi-step process involving several agency partners. The U.S. Department of State (State) leads the annual consultations process, funds and oversees refugee resettlement activities, contracts with the non-governmental organizations that provide pre- and post-USCIS interview support, and facilitates the Priority 1 referrals to the USRAP process. After an alien is determined to have access to the USRAP, they may file a Form I-590, Registration for Classification as Refugee.¹⁰ Applications for refugee classification are primarily processed overseas and adjudicated by USCIS Refugee Officers who determine whether an alien meets the refugee definition and is otherwise eligible for resettlement to the United States. Under United States law, to be eligible for refugee classification an applicant must establish that he or she:

- is located outside the country of his or her nationality;¹¹
- is of special humanitarian concern to the United States;
- was persecuted or fears persecution due to race, religion, nationality, political opinion, or membership in a particular social group;
- is not firmly resettled in another country; and
- is admissible as an immigrant to the United States.

¹⁰ Form I-590, Registration for Classification as Refugee, OMB No. 1615-0068 (Nov. 3, 2025), available at <https://www.uscis.gov/sites/default/files/document/forms/i-590.pdf>.

¹¹ The Refugee Act of 1980 amended this requirement and allowed for in-country processing for certain refugees that the President specifies.

See INA 101(a)(42), 8 U.S.C. 1101(a)(42); INA 207(c)(1), 8 U.S.C. 1157(c)(1).

A refugee does *not* include anyone who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion. *Id.*

USCIS officers make a determination of eligibility for refugee classification based on the above elements of eligibility. USCIS approval of an application for refugee classification authorizes U.S. Customs and Border Protection (CBP) to admit the alien “conditionally” as a refugee upon arrival at a U.S. port of entry within four months of the date of such approval.¹² U.S. Department of Health and Human Services, the Office of Refugee Resettlement provides resettlement assistance, that includes employment training, English language training, cash assistance (in a manner that promotes early self-sufficiency), and job placement, to the aliens admitted as refugees to the United States.

Derivatives of the principal refugee applicant may include the spouse of a principal refugee and their unmarried children under the age of 21.¹³ Derivative family members may be included in the initial application for refugee status or petitioned for after the principal refugee’s arrival to the United States. *Id.* For derivatives to be admitted to the United States as refugees, they must establish that they are admissible and not subject to the persecutor bar but are not required to prove that they meet the refugee definition or any of its elements, such as past persecution or a well-founded fear of future persecution.

In addition to resettlement in the United States, refugees receive employment authorization as soon as they arrive in the United States.¹⁴

¹² 8 CFR 207.4 (authority for CBP to admit aliens approved for refugee classification).

¹³ INA 207(c)(2), 8 U.S.C. 1157(c)(2).

¹⁴ 8 CFR 274a.12(a)(3).

B. Termination of Refugee Status

The sole basis for USCIS to terminate the status of an alien conditionally admitted to the United States as a refugee is if USCIS determines that the alien did not meet the definition of a refugee at the time of admission to the United States.¹⁵ No other ground of termination is specified under the law. An alien who did not, in fact, meet the refugee definition at the time of admission would have been inadmissible, and once that status is terminated, will generally lack legal grounds to remain in the United States.¹⁶

The determination to terminate refugee status because the alien did not meet the definition of a refugee at the time of his or her admission to the United States applies solely to principal refugees and not to derivative refugees. In order to be eligible for refugee status, principal applicants must meet the requirements of the refugee definition in INA 101(a)(42), 8 U.S.C. 1101(a)(42), must be admissible to the United States, and must qualify under one of the designated USRAP processing priorities.¹⁷ USCIS may in turn terminate a derivative refugee's status if the principal's status is terminated.¹⁸

Refugee status can only be terminated while the alien remains in refugee status and has not yet adjusted to lawful permanent resident (LPR) status or naturalized.¹⁹ However, if USCIS has rescinded an alien's LPR status under INA 246, 8 U.S.C. 1156, an alien admitted as a refugee reverts to the prior refugee status and his or her refugee status can be terminated if the basis for termination meets the statutory requirements.²⁰

¹⁵ INA 207(c)(4), 8 U.S.C. 1157(c)(4).

¹⁶ See 8 CFR. 207.9 (permitting termination of refugee status only if USCIS determines the alien "was not a refugee" within the meaning of INA section 101(a)(42) at the time of admission); INA section 237(a)(1)(A), 8 U.S.C. 1227(a)(1)(A) (making deportable any noncitizen who was inadmissible "at the time of entry"), incorporating, inter alia, INA section 212(a)(7)(A)(i)(I), 8 U.S.C. 1182(a)(7)(A)(i)(I) (inadmissibility for lack of valid immigrant entry document).

¹⁷ INA 291, 207(c)(1), 8 U.S.C. 1361, 1157(c)(1).

¹⁸ See 8 CFR 207.7(d) and 207.9, see also INA 207(c)(4), 8 U.S.C. 1157(c)(4) providing that the "refugee status of any alien (*and of the spouse or child of the alien*), may be terminated" (emphasis added).

¹⁹ *Matter of D-K-*, 25 I&N Dec. 761 (BIA 2012); *Matter of Smriko*, 23 I&N Dec. 836 (BIA 2005).

²⁰ USCIS Policy Manual, Volume 7, Part Q, Rescission of Lawful Permanent Residence, <https://www.uscis.gov/policy-manual/volume-7-part-q> (last visited Jan. 22, 2026).

When USCIS determines that a principal refugee was not a refugee as defined in INA 101(a)(42), 8 U.S.C. 1101(a)(42), at the time of admission, USCIS initiates termination of refugee status. The former Immigration and Naturalization Service first implemented regulations governing the termination of refugee status following the enactment of the Refugee Act of 1980, and the process has remained substantively unchanged in the 45 years since then.²¹

USCIS issues a Notice of Intent to Terminate (NOIT) prior to termination.²² In the NOIT, USCIS outlines the specific basis or bases for the termination, such as a determination by USCIS that the harm the alien experienced or feared was not on account of a protected ground or, for example, that the alien had another nationality or legal status in another country such that they did not qualify as a refugee from the claimed country. The NOIT further informs the alien of his or her right to offer written or oral evidence in support of his or her refugee claim and in opposition to the proposed termination. Prior to this IFR, 8 CFR 207.9 provided that the alien has a 30-day period to respond to a NOIT. The preamble implementing this process did not explain the Immigration and Nationality Service's (INS) reasoning for the 30-day response period (as opposed to some other shorter or longer period).²³

If the alien chooses to provide oral testimony, he or she must notify USCIS of his or her request for an additional interview so that USCIS may schedule the interview within 30 days of the date of the notice. The alien may also submit documentary evidence within 30 days from the date of the notice to the return address that is listed at the top of

²¹ 45 FR 37392 (June 2, 1980) (interim final rule); 46 FR 45116 (Sept. 10, 1981) (final rule). INS and DHS have made only minimal changes to 8 CFR 207.9 since it was first published. Following the enactment of IIRIRA, INS updated the references to the types of removal proceedings that may apply following a termination of refugee status. See also, *Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures*, 62 FR 10312, 10337 (Mar. 6, 1997). Other minor changes included renumbering from 207.8 to 207.9 and including updated DHS service procedures. *Procedures for Filing a Derivative Petition (Form I-730) for a Spouse and Unmarried Children of a Refugee/Asylee*, 63 FR 3792 (Jan. 27, 1998); *Immigration Benefits Business Transformation, Increment I*, 76 FR 53764, 53784 (Aug. 29, 2011).

²² 8 CFR 207.9.

²³ 45 FR 37392; 46 FR 45116.

the notice.²⁴ The NOIT makes clear that lack of a response to the notice within the time allotted results in termination of the alien's refugee status.

Finally, the NOIT states that if USCIS determines that the alien was not a refugee within the meaning of section 101(a)(42) of the INA, 8 U.S.C. 1101(a)(42), at the time of admission, his or her refugee status and employment authorization will be terminated, and he or she will be subject to removal from the United States.

DHS typically reviews an alien's underlying refugee determination prior to the final adjudication of his or her adjustment of status to permanent residence and initiates termination when warranted. However, termination may be initiated at any time prior to adjustment if DHS determines the alien was not eligible for refugee status at the time he or she was admitted as a refugee.

There is no appeal from the termination of refugee status by USCIS.²⁵ Upon termination USCIS processes the alien for removal under sections 235, 240, and 241 of the INA.²⁶

USCIS may also place a person who was admitted as a refugee directly in removal proceedings, without termination of refugee status, on the basis of any applicable removal charge without the adjudication of an adjustment application.²⁷

C. Actions by the Prior Administration that Increased the Risk of Errant Refugee Admissions

Each year, the president sets the refugee ceiling, created by the Refugee Act of 1980. INA 207(a)(2), 8 U.S.C. 1157(a)(2). During President Trump's first term he reduced the number each fiscal year (FY) (and additionally COVID-19 drastically

²⁴ USCIS Policy Manual, Volume 7, Part L, Chapter 6, *Termination of Status and Notice to Appear Considerations*, <https://www.uscis.gov/policy-manual/volume-7-part-l-chapter-6> (last visited April 1, 2026).

²⁵ Id.

²⁶ Id.

²⁷ See *Matter of Smriko*, 23 I&N Dec. 836, 838 (BIA 2005) (explaining that "Congress did not consider termination of refugee status to be a prerequisite to initiating removal proceedings against aliens admitted as refugees.").

reduced actual admissions) in order to review the program's integrity and make sure proper screening and vetting measures were in place and in order to shift resources to deal with the crisis at the U.S. southern border.²⁸

During the following Biden administration; however, the Presidential Determination increased to a high not seen since the late 80s and early 90s.²⁹ The refugee admission cap was repeatedly set at 125,000 from FY 2022 through FY 2025.³⁰ Refugee actual admissions under the Biden administration reached its peak in FY 2024, which was 100,034 admissions— the highest in three decades.³¹ In order to reach this historically high level of refugee admissions, as evidenced by a number of updated policies and procedures, USCIS prioritized speed of processing over properly screening aliens. These changes to processing included, but were not limited to:

- discouraging officers from asking additional questions to identify potential areas of concern, particularly related to inadmissibility grounds, including security-related grounds, absent a clear indication that such a concern exists;
- allowing officers to use standardized country-of-origin information (COI) profiles for certain populations when making refugee determinations instead of eliciting testimony about the individual applicant's past harm or fears;

²⁸ Presidential Determination on Refugee Admissions for Fiscal Year 2018, 82 FR 49083 (Oct. 23, 2017); Presidential Determination on Refugee Admissions for Fiscal Year 2019, 83 FR 55091 (Nov. 1, 2018); Presidential Determination on Refugee Admissions for Fiscal Year 2020, 84 FR 65903 (Nov. 29, 2019); Presidential Determination on Refugee Admissions for Fiscal Year 2021, 85 FR 71219 (Nov. 6, 2020).

²⁹ See, e.g., Migration Policy Institute, U.S. Annual Refugee Resettlement Ceilings and Number of Refugees Admitted, 1980-Present (last updated Feb. 28, 2026),

<https://www.migrationpolicy.org/programs/data-hub/charts/us-refugee-resettlement>.

³⁰ Presidential Determination on Refugee Admissions for Fiscal Year 2022, 86 FR 57527 (Oct. 18, 2021); Presidential Determination on Refugee Admissions for Fiscal Year 2023, 87 FR 60547 (Oct. 6, 2022); Presidential Determination on Refugee Admissions for Fiscal Year 2024, 88 FR 73521 (Oct. 25, 2023); Presidential Determination on Refugee Admissions for Fiscal Year 2025, 89 FR 83767 (Oct. 18, 2024).

³¹ For comparison, during President Trump's first term, the refugee ceiling was set at 45,000, 30,000, and 18,000 for FY 2018, 2019, and 2020, respectively. Presidential Determination No. 2018-02, 82 FR 49083 (Sep. 29, 2017); Presidential Determination No. 2019-13, 83 FR 50239 (Oct. 4, 2018); Presidential Determination No. 2020-02, 84 FR 65535 (Nov. 1, 2019). See also DHS, U.S. Citizenship and Immigration Services, Office of Performance and Quality Refugee Arrival and I-485 Applications to Register Permanent Residence or Adjust Status (data queried Feb. 2026). Department of State, Bureau of Population, Refugees, and Migration, Summary of Refugee Admissions (Dec. 31, 2025), <https://www.rpc.state.gov/admissions-and-arrivals>.

- rescinding the requirement to explore both past harm and a fear of future harm so long as the alien established one or the other when processing a refugee claim
- rescinding guidance on mandatory separate interviews for derivative applicants;
- for certain populations/processing locations, increasing the number of cases adjudicators were expected to interview and complete in a day to meet productivity expectations;
- decreasing the expected level of supervisory review of a refugee case file following adjudication; and
- rescinding guidance that prevented an alien from including their spouse as a derivative refugee where the marriage was informal and not valid under the law of the jurisdiction where it was celebrated.³²

The majority of these changes impacted the quality of the refugee interview required under regulation.³³ The main reasons officers elicit information during an interview are to: verify the identity of those present at the interview; determine whether to proceed with the interview; determine eligibility for a benefit being sought (if the interview relates to an application for a benefit); determine whether the individual being interviewed is subject to any bars or grounds of inadmissibility; evaluate the credibility; and identify whether fraud may be involved.³⁴ Accordingly, the refugee interview is an instrumental component of robustly screening a refugee applicant. More truncated, less thorough interviews under the Biden administration damaged the integrity of refugee processing by hindering the officers' ability to appropriately gather sufficient information

³² Revised Guidance on Informal ("Camp") Marriage, Memo, RAIO Acting Associate Director T. Kim (Feb. 14, 2022)].

³³ 8 CFR 207.2 (requiring that "[e]ach applicant 14 years old or older shall appear in person before an immigration officer for inquiry under oath to determine their eligibility for admission as a refugee").

³⁴ USCIS RAIO Lesson Plan, *Interviewing-Introduction to the Non-Adversarial Interview* (Dec. 13, 2024).

related to the aforementioned purposes of the refugee interview and to make an appropriate and legally sufficient decision. Consequently, these changes enabled ineligible aliens to exploit the refugee program to resettle in the United States, where they then have a path to permanent status, including citizenship.

USCIS further instructed its adjudicators that it was no longer necessary to ask additional detailed questions to identify and explore inadmissibility grounds, including security-related inadmissibility grounds, absent a clear indication of a concern. For example, per internal guidance, if an alien was transported across a border by smugglers, or an alien's home was attacked by an armed group, absent additional information in the record or in country conditions information indicating possible security-related concerns with respect to these incidents (e.g., material support to a terrorist organization), officers were not required to follow up or explore if the individual was potentially inadmissible, or if these interactions raised other concerns. Officers were discouraged from investigating potential concerns or delving into an applicant's background or past experiences unless referral documents, such as the U.N. High Commissioner for Refugees (UNHCR) Resettlement Registration Form (RRF), explicitly noted concerns. In other words, officers were discouraged from seeking or obtaining additional information beyond what was provided in the record, already provided by non-U.S. government entities, such as UNHCR or the Resettlement Support Center.

With respect to country of origin information (COI), rather than using COI to inform their interviews and adjudications, USCIS, under the Biden administration, trained refugee officers that for certain populations, they could rely on COI "profiles" (e.g. "Venezuelans who oppose the government of Venezuela") to establish various elements of refugee eligibility once an alien indicated they were part of a group of individuals for which COI supported a finding of well-founded fear. Officers shifted from individualized, more detailed assessments of refugee eligibility to confining

interviews to review of the Form I-590 and an alien's affirmation of belonging to a designated group (e.g., Rohingya), rather than exploring and evaluating an alien's unique experiences of past persecution or fears. In doing so, they bypassed in-depth interviews exploring an alien's background, experiences of past persecution in their home country, affiliations and relationships, if the alien in fact had a well-founded fear of future persecution in their home country, and other relevant details.

In 2017, President Trump issued Executive Order 13769, *Protecting the Nation from Foreign Terrorist Entry into the United States*, restricting entry to the U.S. by certain foreign nationals and temporarily suspending the USRAP.³⁵ During this suspension of refugee processing agencies were directed to review and strengthen vetting procedures. As a result of the review, USCIS clarified and confirmed that as a matter of policy, officers interviewing refugee applicants were required to elicit sufficient information to make a determination on both the past persecution and well-founded fear of future persecution claims. Gathering testimony on both past persecution and well-founded fear ensures a thorough and accurate evaluation of the applicant's eligibility and prevents overlooking critical facts that could substantiate, or call into question, their claim. For example, thorough elicitation of testimony regarding past and future harm may help identify inconsistencies and potential fraud by allowing adjudicators to probe the alien's narrative for credibility by ensuring it is internally consistent and consistent with statements the alien may have provided to processing partners prior to interview. Most importantly, it requires officers to probe more thoroughly into an applicant's background and experiences, helping to establish his or her identity, and further ensure that the correct decision is made in his or her case. Although eliciting testimony about both past persecution and well-founded fear helps develop a fuller picture of the alien and better assess eligibility—ensuring that protection is granted to those who genuinely

³⁵ *Protecting the Nation From Foreign Terrorist Entry Into the United States*, 82 FR 8977 (Feb. 1, 2017).
AILA Doc. No. 26101302. (Posted 10/13/26)

qualify under the law—during the Biden administration this policy was rescinded.

Refugee officers were no longer required to elicit testimony on both past persecution and well-founded fear claims, and were instead instructed to only pursue one or the other, once one had been established, precluding opportunities to identify critical information and concerns related to an alien's eligibility.

In addition to the relaxed requirements for principal refugee applicants, USCIS changed policies regarding derivative applicants. The first Trump administration issued guidance emphasizing the importance of eliciting testimony from derivative I-590 applicants apart from the principal refugee applicant to further explore potential national security, identity, inadmissibility, and credibility issues. However, USCIS subsequently rescinded this guidance under the Biden administration and provided refugee officers the sole discretion on when to interview derivative applicants separately. The purpose of this change was to reduce the amount of questions and time spent with derivatives in an interview, thus not thoroughly vetting and identifying potential issues of all members of a case who, upon case approval, were eligible to travel to the United States as refugees along with the principal applicant.

Compounding the issue, marriage guidance under the previous administration relaxed the criteria for adding a derivative spouse to a case. Although intended to accommodate couples who genuinely acted as spouses but could not formalize their union due to local restrictions, the standards were misapplied, allowing individuals with minimal or short-term connections to be classified as spouses and included on cases. This practice, combined with lowered interview standards and increasingly brief, less detailed case reviews in the name of streamlining, increased the risk of approving applicants with only tenuous relationships with the principal applicant.

In parallel with this minimized focus on eliciting substantive information to comprehensively understand an alien's background and identify potential issues of

concern, the increased interview quotas made it more difficult for officers to explore important issues, fully probe the alien's credibility, and still meet their productivity expectations. During the first Trump administration, USCIS reduced the number of refugee interviews conducted per day per officer for certain cases to allow for further exploration of potential national security, inadmissibility, and credibility issues at interviews for refugee adjudications. Notwithstanding, USCIS under the Biden administration, in their effort to streamline interviews and increase the volume of refugee cases that could be processed, increased the number of cases an officer was expected to interview and adjudicate in a day for certain cases, again pressuring officers to at times scale back interviews to comply with the expectations.

This shift away from in-depth, thorough interviews in order to streamline and expedite admission of aliens to the United States as refugees shut down important lines of questioning to identify potential national security, public safety, and other concerns to accurately assess eligibility, illustrating the program's emphasis on the volume of refugee case completions rather than the quality of interviews or the integrity of adjudications. Refugee officers potentially missed vital information that could impact an applicant's eligibility, including issues related to fraud, public safety, and national security, and discretionary factors. USCIS, under the Biden administration, failed to fulfill its responsibility to ensure that its officers thoroughly assessed applicants, potentially resulting in an influx of ineligible aliens into the country that may pose a risk to the national interests of the United States.

Moreover, USCIS under the Biden administration decreased requirements for supervisory review of refugee cases by only requiring review of the assessment in lieu of reviewing the entire case contents. This limited supervisor oversight to ensure cases were thoroughly and accurately adjudicated, increased the risk that important information about an alien was overlooked.

An overarching desire to approve as many refugee cases as possible to meet the refugee ceiling set by the Biden administration contributed to a culture in which the expectation appeared to be to approve cases, even where egregious concerns may have existed. For instance, in one processing location, a number of aliens identified as having defrauded the U.S. government or submitting fraudulent documentation were found inadmissible pursuant to the INA provisions related to fraud and misrepresentation. Despite clear evidence of misrepresentation, including falsification of identity and key information relevant to their access to the USRAP, USCIS almost universally approved waivers of the misrepresentation or fraud. This pattern demonstrates a troubling disregard for the integrity of the refugee program, as individuals who had already demonstrated a willingness to engage in fraud and misrepresentation of their identities to U.S. government officials, were nonetheless permitted to proceed with resettlement to the United States, undermining both the security and credibility of the admissions process.

The persistent presence of individuals, both in the United States and overseas, attempting to exploit and defraud the U.S. humanitarian programs, poses risks to national security, public safety, and the integrity of the U.S. immigration system. Historically, DHS and State have identified, through investigations, fraud concerns among the special humanitarian access categories. For example, in January 2021, DHS and State suspended the Iraqi Direct Access P-2 Program, following an extensive investigation carried out by the State Diplomatic Security Service and the DHS Office of the Inspector General, which uncovered a fraud scheme related to the program.³⁶ According to the indictment and statement of facts agreed to by one of the three defendants in the criminal case against the individuals:

from approximately February 2016 until at least April 2019, the three defendants, led by Abduljabbar, conspired to steal U.S. government records

³⁶ See DHS Office of Inspector General, “Iraqi National Pleads Guilty to Conspiracy To Defraud U.S. Refugee Program,” (Jan. 26, 2022), <https://www.oig.dhs.gov/news/press-releases/2022/01262022/iraqi-national-pleads-guilty-conspiracy-defraud-us-refugee-program>.

related to hundreds of USRAP applications . . . As part of their duties, both defendants had access to . . . a database containing sensitive, non-public information about refugee applicants and their family members, as well as the results of security checks and internal assessments by U.S. officials regarding applications.³⁷

With regard to properly establishing familial relationships in the refugee P-3 family reunification program, this program was also temporarily suspended when evidence revealed widespread fraud.³⁸ State previously indicated “[w]e were . . . only able to confirm all claimed biological relationships in fewer than 20% of cases (family units). In the remaining cases, at least one negative result (fraudulent relationship) was identified, or the individuals refused to be tested.”³⁹ Combined with recent policies that have lowered standards across the refugee program, these factors have created significant challenges and highlight the urgent need for this regulation.

An alarming illustration of the potentially dangerous impact of relaxed screening of the refugee population under the Biden administration occurred in the fall of 2024. CBP officers determined that several Venezuelan nationals who USCIS interviewed and approved for refugee classification were inadmissible and denied the aliens refugee status and entry at the border after the officers discovered tattoos associated with the deadly Tren de Aragua gang, a group designated as a Foreign Terrorist Organization in 2025.⁴⁰ In some of these cases, refugee officers did not inquire about tattoos during their adjudications while the officers in others did not recognize that the tattoos the officers

³⁷ *United States v. Abduljabbar*, 1:20-cr-00063, (D.D.C.).

³⁸ U.S. Department of State, “*Fraud in the Refugee Family Reunification (Priority Three) Program*” (Dec. 4, 2008), <https://2001-2009.state.gov/g/prm/refadm/rls/fs/2008/112760.htm>.

³⁹ *Id.*

⁴⁰ Stephen Dinan, The Washington Times, “*Stunning security failure: U.S. agents miss Venezuelan gang tattoos in scan for refugee approvals*” (Oct. 23, 2024), <https://www.washingtontimes.com/news/2024/oct/23/dhs-approved-tren-de-aragua-gang-members-refugees/>; Foreign Terrorist Organization Designations of Tren de Aragua, Mara Salvatrucha, Cartel de Sinaloa, Cartel de Jalisco Nueva Generacion, Carteles Unidos, Cartel del Noreste, Cartel del Golfo, and La Nueva Familia Michoacana, 90 FR 10030 (Feb. 20, 2025). *See also* U.S. Department of State, *Fact Sheet: Designation of International Cartels* (Feb. 20, 2025), <https://www.state.gov/designation-of-international-cartels/> (“TdA is a transnational organization that originated in Venezuela with cells in Colombia, Peru, and Chile, with further reports of sporadic presence in Ecuador, Bolivia, and Brazil. This brutal criminal group has conducted kidnappings, extorted businesses, bribed public officials, authorized its members to attack and kill U.S. law enforcement, and assassinated a Venezuelan opposition figure.”).

asked about were suggestive of gang membership, association, or affiliation.⁴¹ Following this incident, USCIS completed a review of records of over 14,500 cases (over 31,000 aliens) from Ecuador, El Salvador, Guatemala, Honduras and Venezuela who were admitted to the United States as refugees between 2021 and 2024. The review identified over 1,500 cases (over 3,700 aliens) with indicators of potential public safety concerns. These cases included applicants with possible indicia of gang membership, association, or affiliation, including but not limited to tattoos associated with gangs, applicants romantically linked to gang members, medical records contradicting testimony from applicants regarding tattoos or drug use, prior criminal convictions, and/or evidence of a relationship with a suspected or confirmed gang member (e.g., platonic, familial, household, linked cases). Each case presenting such indicia should have been appropriately evaluated on a case-by-case basis to ensure that cases presenting a public safety or national security risk would be found inadmissible, denied entry at the border, and thus denied refugee status.

D. Recent Actions by President Trump and DHS to Reinvigorate Refugee Screening and Integrity of the Refugee Program

On January 20, 2025, President Trump issued Executive Order (E.O.) 14161, Protecting the United States From Foreign Terrorists and Other National Security and Public Safety Threats.⁴² This order is intended to safeguard U.S. citizens from aliens who may seek to commit terrorist acts, pose threats to national security, promote hateful ideologies, or exploit immigration laws for malicious purposes. E.O. 14161 underscores the importance of vigilance during the visa issuance process to ensure that individuals

⁴¹ Stephen Dinan, The Washington Times, “‘Stunning security failure’: U.S. agents miss Venezuelan gang tattoos in scan for refugee approvals” (Oct. 23, 2024), <https://www.washingtontimes.com/news/2024/oct/23/dhs-approved-tren-de-aragua-gang-members-refugees/>.

⁴² 90 FR 8451 (Jan. 30, 2025) (originally published Jan. 20, 2025).

approved for admission into the United States do not intend to harm Americans or compromise U.S. national interests.

Section 3(B) of E.O. 14161 further mandates that “sufficient safeguards are in place to prevent any refugee or stateless individual from being admitted to the United States without undergoing stringent identification beyond that required of any other alien seeking admission or entry to the United States[.]”⁴³

In the E.O. 14163, *Realigning the United States Refugee Admissions Program*,⁴⁴ President Trump also stated that suspended entry into the United States of refugees under the USRAP was due to the United States being inundated with record levels of migration that are detrimental to the interests of the United States.⁴⁵ The President explained that the United States was unable to absorb large numbers of refugees into its communities without compromising resources for Americans, protecting safety and security, and ensuring appropriate assimilation of refugees. *Id.*

Consistent with the E.O., prioritizing public safety and national security is of the utmost importance to DHS. Pursuant to the President’s direction in E.O. 14163, *Realigning the United States Refugee Admissions Program*, DHS suspended decisions on applications for refugee classification as well as entry into the United States of refugees under the USRAP on January 20, 2025, to protect the safety and security of the American people and uphold a lawful and orderly U.S. immigration system. The USRAP is currently suspended because the Biden Administration prioritized expediency and admissions over quality screening and evaluation of refugee applicants’ eligibility. During this suspension, the USRAP is only admitting refugees on a case-by-case basis, in the discretion of the Secretary of State and the Secretary of Homeland Security, and since the start of the FY 2026, in accordance with the Presidential Determination on Refugee

⁴³ See *Protecting the United States from Foreign Terrorists and Other National Security and Public Safety Threats*, 90 FR 8451 (Jan. 20, 2025).

⁴⁴ E.O. 14163, *Realigning the United States Refugee Admissions Program*, 90 FR 8459 (Jan. 20, 2025).

⁴⁵ *Id.*

Admissions for FY 2026, “but only so long as [the Secretaries] determine that the entry of such aliens as refugees is in the national interest and does not pose a threat to the security or welfare of the United States.”⁴⁶

To address and combat potential fallout from the lax refugee processing during the Biden administration, USCIS launched Operation Post-Admission Refugee Reverification and Integrity Strengthening (Operation PARRIS), to review background checks, conduct reinterviews, and review refugee claims based on the available record.⁴⁷ Upon review and scrutiny of underlying refugee claims for aliens admitted to the United States as refugees, USCIS determined the record for a number of these aliens did not support the finding that the alien met the refugee definition at the time of admission and he or she required follow-up questioning. USCIS began issuing NOITs to those under this review who were found to not have met the definition of a refugee at the time of admission.

As noted above, on January 9, 2026, DHS announced the launch of Operation PARRIS, a sweeping initiative first centered in Minnesota to reexamine thousands of refugee cases through new background checks and intensive verification of refugee claims.⁴⁸ In this announcement, DHS asserted it will “not stand idly by as the U.S. immigration system is weaponized by those seeking to defraud the American people. American citizens and the rule of law come first, always.”⁴⁹ Operation PARRIS is part of a broader strategy to implement enhanced screening standards under E.O. 14161. These

⁴⁶ Id.

⁴⁷ See DHS Launches Landmark USCIS Fraud Investigation in Minnesota (Jan. 9, 2026), <https://www.uscis.gov/newsroom/news-releases/dhs-launches-landmark-uscis-fraud-investigation-in-minnesota>.

⁴⁸ See DHS Launches Landmark USCIS Fraud Investigation in Minnesota, Jan. 9, 2026, <https://www.uscis.gov/newsroom/news-releases/dhs-launches-landmark-uscis-fraud-investigation-in-minnesota> (last visited Jan. 30, 2026).

⁴⁹ Id.

directives require federal agencies to identify and implement new vetting enhancements to safeguard the nation from terrorists and other public safety threats.⁵⁰

In Operation PARRIS, DHS is identifying and referring cases of fraud, national security and public safety concerns, and other criminal activity to Immigration and Customs Enforcement (ICE). An initial review of a select subset of cases revealed a persistent issue of inconsistency in interview quality. While some interviews were thorough and well-conducted, others were lacking. These interviews are characterized by minimal questioning, little to no appropriate follow-up questioning, and insufficient inquiry into critical matters such as grounds of inadmissibility, including terrorism-related grounds leading to refugee admissions of aliens whose identities and backgrounds were not properly confirmed. Aliens with unknown identity and background pose risks to U.S. national security.

On December 5, 2025, USCIS established the USCIS Vetting Center, a specialized unit designed to screen out terrorists, criminal aliens, and other foreign nationals who pose potential threats to public safety, have committed fraud, or committed other crimes.⁵¹ Since its creation, the USCIS Vetting Center has dedicated a task force to conduct review of certain refugee cases previously approved under the Biden administration. The findings of this task force underscore the deficiencies and risks to public safety and national security associated with the prior administration's approach to the refugee program, including insufficient vetting and inadequate assessment of applicants' identities, backgrounds, associations, and eligibility for refugee status. For instance, a review of a resettled Ethiopian refugee case revealed inconsistencies and other credibility issues regarding the applicant's involvement with and financial support for the Oromo Liberation Front (OLF), a group that met the definition of a Tier III terrorist

⁵⁰ Id.

⁵¹ U.S. Citizenship and Immigration Services Establishes New Center to Strengthen Immigration Screening and Target Bad Actors, Dec. 5, 2025, <https://www.uscis.gov/newsroom/news-releases/us-citizenship-and-immigration-services-establishes-new-center-to-strengthen-immigration-screening>.

group at the time of the applicant's involvement, as well as his father's affiliation with the OLF. The refugee status was subsequently terminated. Additional cases reviewed by the task force involved resettled refugees who misrepresented material facts about their identities and family members, such as providing inconsistent marriage information between their I-590 and I-485 forms, and failing to disclose spouses or children during the I-590 interview while later reporting them on the I-485. Through enhanced vetting procedures implemented under the current administration, the task force also identified cases of refugees promoting hateful and violent rhetoric or supporting terrorist organizations on their social media profiles.

IV. Discussion of Interim Final Rule

Previous administrations' prioritization of the admissions of large numbers of refugees over homeland security blatantly overlooked essential components of eligibility and put at risk the national security, public safety and other interests of the U.S. citizenry. Safeguarding national security and public safety remains the foremost priority of the country's immigration programs, taking precedence over numerical admission targets. The agency stands committed to conducting rigorous vetting of all aliens and to the detection and prevention of fraud and other serious threats, ensuring the safety of all Americans prior to admission of an alien to the United States.

Accordingly, this IFR shortens the amount of time that refugees are provided to respond to a NOIT in order to ensure that terminations of refugee status can occur as expeditiously as possible to protect national security and public safety, given the risks created by the deficient vetting described above in Section III.C. Under this IFR, refugees will continue to receive a NOIT, which will specify DHS's intent to terminate their refugee status based on a determination that they did not meet the refugee definition at the time of admission. DHS will provide the specific reason or reasons why USCIS found the refugee failed to meet the refugee definition at the time of admission (e.g.,

failure to establish that past harm experienced was serious enough to rise to the level of persecution, a determination that the alien's harm was not on account of a protected ground, failure to provide credible testimony as to any or all of the elements of the refugee definition, etc.). However, this rule will provide such aliens with ten days (rather than 30 days) to respond (provide documentary evidence or indicate a desire to provide oral evidence) if they choose. If the deadline to reply to the NOIT passes without a response, the refugee is considered to have forfeited his or her right to rebut the allegations in the NOIT, and DHS will terminate his or her refugee status.

By regulation, the response period begins either upon personal service of the NOIT directly to the alien or, if sent by mail, upon mailing of the NOIT.⁵² When calculating the response deadline, all days, including Saturdays, Sundays, and federal holidays, are counted.⁵³ However, if the final day falls on a Saturday, Sunday, or federal holiday, the deadline is extended to the next business day.⁵⁴ Per 8 CFR 103.8(b), if the notice is served by mail, three days are added to the response period, with service considered complete on the date the notice is mailed.

DHS's foremost priority is the safety and security of American citizens and residents. At the same time, DHS is committed to ensuring that refugees who receive a NOIT are afforded a meaningful opportunity to respond or provide a rebuttal. To enhance mail service reliability and afford refugees the full response period, DHS will utilize express delivery service providers, which guarantee a three-day delivery window and offer tracking and confirmation of both the NOIT's departure from DHS custody and its delivery to the recipient.⁵⁵ This approach ensures that refugees receive their NOIT promptly and can exercise their right to respond. The NOIT will be dated on the day it is mailed, and the 10-day response period for the refugee will begin from that date. If the

⁵² 8 CFR 103.8.

⁵³ See 8 CFR 1.2 (definition of "day").

⁵⁴ *Id.*

⁵⁵ See, e.g., <https://www.fedex.com/en-us/shipping/3-day-express-saver-shipping.html>.

refugee wishes to request an opportunity to provide oral testimony in lieu of responding to each point or points in the NOIT, such a request would be considered a timely response by DHS. As explained above, in accordance with 8 CFR 103.8(b), when a notice is served by mail, three additional days are added to the response period, with service considered complete on the date the notice is mailed. Therefore, applicants who are mailed notices are afforded a total of 13 days to respond, accounting for this regulatory provision.

Reducing the 30-day response timeframe for NOITs issued in refugee terminations to a 10-day response timeframe allows DHS to take swifter action in cases where aliens did not meet the definition of a refugee when admitted to the United States. USCIS needs the ability to terminate refugee status in such cases in order to more quickly begin the removal process for aliens who should never have been admitted to the United States as refugees in the first place, including aliens similarly situated to those discussed above in Section III.C, who also pose a national security or public safety risk. While termination of refugee status is not a precondition for initiation of removal proceedings, the termination of refugee status gives DHS a statutory basis for removal, and in some cases, no other removal grounds apply, so this termination is needed.⁵⁶ Accordingly, promptly terminating refugee status in cases where the alien was clearly ineligible at the time of admission facilitates DHS's ability to process the alien for removal under sections 235, 240, and 241 of the INA, and to remove the alien if they do not qualify for relief from removal.

⁵⁶ In *Matter of Smriko*, 23 I&N Dec. 836 (BIA 2005), the Board of Immigration Appeals held that termination of an alien's refugee status under section 207 of the INA is not a precondition to the initiation of section 240 removal proceedings, but only because the alien in that case was removable on the basis of certain criminal conduct that independently qualified him for removal irrespective of refugee status. *See id.* at 837-838; *compare Matter of D-K-*, 25 I&N Dec. 761 (BIA 2012) (affirming that DHS need not terminate refugee status prior to commencing section 240 removal proceedings but determining that the alien was not removable under the grounds charged by DHS). On January 21, 2026, the DHS Secretary formally referred the BIA's decision in *Matter of D-K-* to the Attorney General for review. In that referral, DHS asked the Attorney General to vacate the BIA's decision insofar as it erroneously holds that aliens admitted as refugees may not be taken back into DHS custody under section 209(a)(1) of the INA, charged with inadmissibility under section 212(a) of the INA, and promptly removed.

More broadly, timely termination of their refugee status is critical to the integrity of the country's immigration programs, considering the risks they may pose to the United States. As USCIS continues to encounter aliens admitted as refugees who did not meet the definition of refugee at the time of admission, termination of refugee status in as prompt and efficient manner as possible ensures USCIS can best protect the safety and security of Americans and continue complying with E.O.s 14161 and 14163. By shortening the 30-day period for an alien to respond to a NOIT to 10 days, USCIS is exercising its authority to expeditiously terminate the status of refugees who did not meet the refugee definition at the time of their admission to the United States. Streamlining the termination process additionally ensures that ineligible aliens who were erroneously allowed to enter the United States as refugees lose their authorization to work in as timely a manner as possible since termination of refugee status also results in termination of employment authorization.

DHS believes that reducing the NOIT response period from 30 days to 10 days maintains adequate procedural safeguards for aliens by affording them an opportunity to respond to the NOIT while also balancing the government's interests in national security and public safety and in protecting the integrity of the refugee program. The NOIT will inform the alien the basis for termination and explain that they may submit evidence to contest termination, and/or request an interview. An alien does not need to submit evidence or a full response within the 10 days, and may instead opt for an interview, but must make the interview request to USCIS within the response period. Aliens who receive a NOIT under the proposed process therefore will continue to receive a meaningful opportunity to respond to the allegations in the notice—the alien can submit a written response to the NOIT within the deadline and/or request an interview with USCIS where their refugee claim can be heard. The abbreviated time period to respond to the NOIT will in turn allow the government to more efficiently process cases where aliens

did not meet the refugee definition at the time of admission to the United States, and who were from the outset, never eligible for the benefit they received. Instead of waiting 30 days for an alien to respond to a NOIT before scheduling an interview if requested by the alien or taking other action, this rule will allow USCIS to act as soon as 10 days after service of the NOIT. For aliens who do not respond timely, the 10-day response period will allow USCIS to finalize termination much more quickly. Furthermore, each alien whose refugee status is terminated will be processed under INA sections 235, 240, or 241 and may seek other forms of relief or protection from removal as permitted in those proceedings. For example, aliens in section 240 removal proceedings may seek other forms of relief in a hearing before an immigration judge where the interests of the U.S. Government are properly represented by an attorney from the U.S. Immigration and Customs Enforcement (ICE) Office of the Principal Legal Advisor (OPLA).

The regulatory amendment being made in this IFR is clearly authorized by INA 207(c)(4), 8 U.S.C. 1157(c)(4), which gives discretion to the Secretary to “prescribe” regulations governing termination of aliens who were “not in fact a refugee within the meaning of section 101(a)(42) . . . at the time of the alien’s admission.”

V. Statutory and Regulatory Requirements

A. Administrative Procedures Act (APA)

DHS is issuing this IFR without prior notice or public procedure because DHS is invoking the “good cause” and foreign affairs exceptions of the APA. *See* 5 U.S.C. 553(a)(1), (b)(B). For the same reasons, a delayed effective date of no less than 30 days is not required under 5 U.S.C. 553(d)(3). DHS has also considered potential reliance interests and discusses them below.

a. Good Cause

An agency may forgo notice-and-comment rulemaking and a delayed effective date when the agency “for good cause finds . . . that notice and public procedure thereon

are impracticable, unnecessary, or contrary to the public interest.” *See* 5 U.S.C.

553(b)(B). Likewise, section 553(d)'s requirement of 30-day advance publication may be waived by the agency for good cause found and published with the rule. *See* 5 U.S.C. 553(d)(3).

The “impracticable” prong of the good cause exception excuses notice and comment in emergency situations, or where the delay caused by the APA's notice-and-comment procedures would result in serious harm to life, property, or an immediate threat to public safety.⁵⁷ Although the good cause exception is “narrowly construed and only reluctantly countenanced,”⁵⁸ it is an important safety valve to be used where delay caused by notice and comment would do real harm (even absent an emergency situation).⁵⁹ An agency may find that advance notice and comment or a delayed effective date is “impracticable” when undertaking such procedure would impede due and timely execution of an important agency function.⁶⁰ For example, courts have explained that notice-and-comment rulemaking may be impracticable where, for instance, air travel security would be unable to address threats posing a “possible imminent hazard to aircraft, persons and property within the United States;”⁶¹ if a rule was of life-saving importance to mine workers in the event of a mine explosion;⁶² if public safety is

⁵⁷ *See Nat. Res. Def. Council v. Nat'l Highway Traffic Safety Admin*, 894 F.3d 95, 114 (2d Cir. 2018); *see Jifry v. FAA*, 370 F.3d 1174, 1179 (D.C. Cir. 2004) (finding good cause for the promulgation of security rules in the aftermath of 9/11 terrorist attacks); *see also Util. Solid Waste Activities Grp. v. EPA*, 236 F.3d 749 (D.C. Cir. 2001).

⁵⁸ *See State of New Jersey v. EPA*, 626 F.2d 1038, 1045 (D.C. Cir. 1980); *see also Am. Fed. Gov't Emps. v. Block*, 655 F.2d 1153, 1156 (D.C. Cir. 1981) (“As the legislative history of the APA makes clear, moreover, the exceptions at issue here are not ‘escape clauses’ that may be arbitrarily utilized at the agency's whim. Rather, use of these exceptions by administrative agencies should be limited to emergency situations . . .”).

⁵⁹ *See U.S. v. Dean*, 604 F.3d 1275, 1379 (11th Cir. 2010); *United States Steel Corp. v. United States Environmental Protection Agency*, 595 F.2d 207, 214 (5th Cir. 1979).

⁶⁰ *See, e.g., Jifry v. FAA*, 370 F.3d 1174, 1179-90 (D.C. Cir. 2004) (excusing APA 553 procedures for a regulation governing the suspension and revocation of airman certificates of aliens for security reasons, finding that the agency had legitimate concerns over the threat of further terrorist acts involving aircrafts, and that notice and comment would have delayed the ability of TSA and the FAA to take effective action); *see also Tri-Cty. Tel. Ass'n, Inc. v. FCC*, 999 F.3d 714, 719-20 (D.C. Cir. 2021) (per curiam) (sustaining a finding of good cause because the damage from hurricanes and upcoming hurricanes created an emergency sufficient to make notice and comment impracticable to issue funds).

⁶¹ *See Jifry v. FAA*, 370 F.3d 1174, 1179 (D.C. Cir. 2004).

⁶² *Council of the S. Mountains, Inc. v. Donovan*, 653 F.2d 573, 581 (D.C. Cir. 1981).

jeopardized;⁶³ or in case of an urgency related to an international crisis and national security.⁶⁴ Impracticability is inevitably a fact-or-context dependent inquiry.⁶⁵

The good cause exception may also apply when affording prior notice and comment would be contrary to the public interest. *See* 5 U.S.C. 553(b)(B). The question is not whether *dispensing* with notice and comment would be contrary to the public interest, but whether *providing* notice and comment would be contrary to the public interest.⁶⁶ This prong is met when the ordinary procedures under the APA—generally presumed to serve in the public interest—would in fact harm the interest of the public.⁶⁷ The exception is appropriately invoked when the timing and the disclosure requirement of the usual procedures would defeat the purpose of the proposal and harm the public interest.⁶⁸ This prong of the good cause exception is closely related to the impracticable prong.

For the reasons explained below, DHS believes that, based on the totality of the circumstances, it has good cause to bypass ordinary notice-and-comment procedures because following these public procedures is impracticable and moving expeditiously is in the best interest of the public. As discussed in the preamble, streamlining the process to terminate refugee status in cases where the alien is determined to not have met the refugee definition at the time of admission to the United States is consistent with DHS’s mission and responsibilities to ensure national security and public safety, and to protect

⁶³ *See United States v. Dean*, 604 F.3d 1275 (11th Cir. 2010) (finding that the Attorney General’s public safety justification was good cause for bypassing the notice and comment requirements of the Administrative Procedure Act (APA) in promulgating interim rule making the Sex Offender Registration and Notification Act (SORNA) registration retroactive to all sex offenders convicted prior to SORNA’s enactment).

⁶⁴ *See Malek-Marzban v. Immigr. & Naturalization Serv.*, 653 F.2d 113, 116 (4th Cir. 1981) (Upholding the agency’s finding that notice and comment procedures were impracticable, unnecessary, and contrary to the public interest when swift action was needed to regulate the presence of aliens in light of the urgency of the international crisis.”).

⁶⁵ *Mid-Tex Elec. Co-op., Inc. v. FERC*, 822 F.2d 1123, 1132 (D.C. Cir. 1987).

⁶⁶ *Mack Trucks, Inc. v. EPA*, 682 F.3d 87, 95 (D.C. Cir. 2012).

⁶⁷ *Id.*

⁶⁸ *Nat. Res. Def. Council v. Nat’l Highway Traffic Safety Admin.*, 894 F.3d 95, 114 (2d Cir. 2018) (“Of course, since notice and comment are regarded as beneficial to the public interest, for the exception to apply, the use of notice and comment must actually harm the public interest”).

the immigration system from fraud and exploitation. DHS is immediately taking measures to implement a process that changes the 30-day response timeframe in refugee termination cases to 10 days, thereby expediting terminations in a manner that averts harm to the public.

Engaging in the APA's notice-and-comment requirement under 5 U.S.C. 553(b) would impede DHS's duties as outlined in E.O. 14161, requiring that sufficient safeguards are in place to prevent any refugee from being admitted to the United States without undergoing stringent vetting, and E.O. 14163, permitting admission of refugees on a case-by-case basis only so long as it is determined to be in the national interest and the alien does not pose a threat to the security and welfare of the United States.

Thus, in accordance with President Trump's policy determinations related to foreign nationals, DHS is taking, without delay, immediate action to ensure that aliens who did not meet the refugee definition at the time of admission to the United States are vetted and screened to the maximum degree possible to ensure they do not receive significant benefits, including employment authorization, permanent legal status, and other federal, state, and local benefits. Furthermore, unless DHS acts immediately, there is a risk that aliens who were not eligible for admission as refugees could present harm to the public interest.

As explained in detail in Section IV of this preamble, DHS reasonably believes, based on a review of prior refugee approvals and internal procedures, policies, and directives, that the lack of detailed refugee interviews and insufficient inquiry into critical matters such as inadmissibilities or terrorism-related grounds, coupled with the prioritization of admission numbers over legally sufficient decisions and other programmatic issues like over-reliance on COI, have resulted in aliens receiving refugee status when they were not eligible. These practices have compromised the integrity of the refugee program.

In Operation PARRIS, DHS has further identified similar issues regarding the quality of refugee interviews after reviewing a subset of cases, where in some instances populations from specific countries were processed and approved with minimal lines of questioning. This rule amends the 30-day period to 10 days for aliens to respond to a NOIT so that the agency can expeditiously issue terminations in cases where, after a thorough review of the case and comprehensive vetting, USCIS determines that the alien did not meet the refugee definition at the time of admission. In such cases, an alien will not maintain valid refugee status a day longer than legally required. This IFR would accordingly more quickly eliminate a pathway to permanent status used by aliens with falsified claims or malevolent intent, including those who may pose an ongoing and imminent threat to public safety and national security such as the refugee cases reviewed and terminated by the USCIS Vetting Center outlined above.

Therefore, if DHS had to engage in advance notice-and-comment procedures, it would continue to allow aliens who should have never been admitted to the United States as refugees to remain present longer than necessary, potentially putting at risk the safety and security of the United States and compromising the integrity of the U.S. immigration system. For example, in one case, after admission to the U.S. it was later discovered that the refugee was a war criminal who should have been subject to the persecutor bar and not allowed into the country. In another case listed above, the refugee was not admissible due to a lack of credibility with regard to both participation in and sending money to the OLF (a Tier III terrorist organization at the time of the alien's involvement) as well as his father's status as a well-known OLF member. In these circumstances, providing advance notice-and-comment procedures is impracticable and not in the public interest.

Finally, DHS finds that it is unnecessary to delay this final rule's effective date under 5 U.S.C. 553(d). There is no need to give affected parties additional time to adjust their behavior before this final rule takes effect because DHS believes there are likely no

behavioral adjustments to make. The aliens who would be affected by this rule have already entered the United States.⁶⁹ In other words, a delay in the rule’s effective date would be unlikely to have an impact on an alien’s choice to seek to enter the United States as a refugee or not and would not impact whether or not they were eligible for such status at the time of admission. A delayed effective date would serve no purpose but create further harm to the public, as exemplified by the cases that, upon review and additional vetting, have resulted in the issuance of NOITs because the record indicated the alien was not a refugee at the time of admission.

For the reasons outlined above, DHS believes that bypassing the ordinary notice-and-comment procedures and the delayed effective date requirement is justified, under the totality of circumstances, and given that immediate action is necessary, is consistent with DHS’s statutory mission to take regulatory action to administer the refugee program effectively, as well as the President’s directives in E.O. 14161 and E.O. 14163. Nevertheless, recognizing the value of public comments, DHS is publishing this rule as an IFR with a request for public comment.

b. Foreign Affairs Exception

Agencies may forgo notice-and-comment rulemaking and a delayed effective date when the rulemaking involves a “military or foreign affairs function of the United States.” 5 U.S.C. 553(a)(1). The Secretary of State, on February 21, 2025, determined that:

all efforts, conducted by any agency of the federal government, to control the status, entry, and exit of people and the transfer of goods, services, data, technology, and any other items across the borders of the United States, constitutes a foreign affairs function of the United States under the Administrative Procedure Act, 5 U.S.C. 553, 554.⁷⁰

⁶⁹ DHS recognizes that there are some ongoing case-by-case admissions of refugees and that, as a result, there may be a small number of aliens admitted as refugees during what would have been the 30-day delayed effective date period. DHS does not believe, however, that these aliens would likely be subject to a later termination of their refugee status and subject to this rule given the actions taken as discussed above to strengthen refugee vetting and processing.

⁷⁰ *Determination: Foreign Affairs Functions of the United States*, 90 FR 12200 (Mar. 14, 2025).

This rulemaking is connected to an alien's status as a refugee admitted into the United States, which directly stems from the conduct of international relations of the United States. Therefore, it constitutes a foreign affairs function. U.S. refugee law is rooted in international law. In 1968, the United States acceded to the 1967 United Nations Protocol Relating to the Status of Refugees (Refugee Protocol)⁷¹, which incorporates the 1951 United Nations Convention Relating to the Status of Refugees (Refugee Convention). The Refugee Convention sets out the rights of refugees and establishes the standards for their treatment in the countries that receive them, providing the most comprehensive codification of refugee rights at the international level. State signatories to the 1951 Convention and the 1967 Protocol are bound by international obligations to provide for the protection of refugees whether such States are countries of first asylum or of resettlement. Refugee status is a product of statutorily mandated foreign affairs considerations and U.S. foreign policy commitments. With respect to refugee admissions, the relevant Departments must consider conditions within the specific countries, "the extent to which other countries will admit and assist" in resettlement, and "the impact of the participation of the United States in the resettlement of such refugees on the foreign policy interests of the United States". INA sec. 207; 8 U.S.C. 1157(e). Refugee determinations require diplomatic relationships with countries of origin, transit, and habitation as well as ongoing assessments of foreign governments' conduct, stability, and human rights practices.⁷² The United States' management of its refugee program and immigration enforcement strategies is predicated on the belief that migration is a shared responsibility among all countries with which the United States has

⁷¹ United Nations General Assembly, Protocol Relating to the Status of Refugees, 31 January 1967, United Nations Treaty Series, vol. 606, p. 267, also found in the United Nations High Commissioner for Refugees, Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, (Geneva 1979, re-issued 1992 and 2019), Annex III.

⁷² USCIS, "The United States Refugee Admissions Program (USRAP) Consultation and Worldwide Processing Priorities" (last updated Sept. 17, 2025), <https://www.uscis.gov/humanitarian/refugees-and-asylum/usrap>; *see also* U.S. Department of State, "About Refugee Admissions" (last accessed Jan. 23, 2026), <https://2017-2021.state.gov/refugee-admissions/about/>.

ongoing diplomatic relations and negotiations. The common thread in these engagements is the United States' commitment to provide protection to refugees who clearly qualify, while enforcing national immigration laws, and that addressing this challenge requires a multinational response. As such, this is a function of foreign affairs.

Under this IFR, changing the 30-day response period to NOITs to 10 days in refugee termination cases allows DHS to expeditiously terminate cases where applicable, and process aliens for removal as soon as possible. Thus, this rulemaking is also related to the control of the entry and exit of aliens across the borders of the United States and falls within the Secretary's foreign affairs determination.⁷³ Because this rule implicates the foreign affairs policy of the United States, DHS is issuing this rule without pre-publication notice and comment procedures and with an immediate effective date.

c. Reliance Interests

DHS has considered potential reliance interests regarding this IFR. DHS recognizes the difficulty aliens may face if their refugee status is terminated, but DHS believes the significant public safety, national security, and integrity benefits described in detail above heavily outweigh any potential reliance interest and adverse impacts. DHS notes, however, that aliens will continue to receive an opportunity to respond to the NOIT and overcome the reasons for termination, if merited. With this IFR, DHS is merely ensuring that aliens who were never eligible for refugee status do not receive the attendant benefits of being a refugee admitted into the United States for as long as they could have without this rule. This IFR does not remove the ability of aliens who legitimately qualify for refugee status to obtain employment authorization, permanent residency, and any other available benefits. Aliens whose refugee status is terminated

⁷³ The Secretary of State's determination references and implements numerous Presidential actions reflecting the President's top foreign policy priorities, including E.O. 14161. *See Determination: Foreign Affairs Functions of the United States*, 90 FR 12200 (Mar. 14, 2025). *See, e.g., Yassini v. Crosland*, 618 F.2d 1356, 1361 (9th Cir. 1980) (because an immigration directive "was implementing the President's foreign policy," the action "fell within the foreign affairs function and good cause exceptions to the notice and comment requirements of the APA").

may be able to seek protection or other relief in proceedings under sections 235, 240, or 241 of the INA, 8 U.S.C. 1225, 1229a, or 1231, which would mitigate any potential reliance interests.⁷⁴

B. Executive Orders 12866 (Regulatory Planning and Review), 13563 (Improving Regulation and Regulatory Review), and 14192 (“Unleashing Prosperity Through Deregulation”)

E.O.s 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if a regulation is necessary, to select regulatory approaches that maximize net benefits. E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. E.O. 14192 directs agencies to significantly reduce the private expenditures required to comply with Federal regulations and provides that “any new incremental costs associated with the new regulations shall, to the extent permitted by law be offset by the elimination of existing costs associated with at least 10 prior regulations.”

The Office of Management and Budget (OMB) has designated this IFR a “significant regulatory action” under section 3(f) of E.O. 12866, although not economically significant under section 3(f)(1), because its annual effects on the economy do not exceed \$100 million in any year of the analysis. Accordingly, the rule has been reviewed by the Office of Management and Budget.

This rule is not an E.O. 14192 regulatory action because it is being issued with respect to an immigration-related function of the United States. The rule’s primary direct purpose is to implement or interpret the immigration laws of the United States (as described in INA101(a)(17), 8 U.S.C. 1101(a)(17), or any other function performed by

⁷⁴ See, e.g., *Landgraf v. USI Film Products*, 511 U.S. 244, 274 (1994) (“Application of a new jurisdictional rule usually takes away no substantive right but simply changes the tribunal that is to hear the case.” (cleaned up)).

the U.S. Federal Government with respect to aliens. *See* OMB Memorandum M-25-20, “Guidance Implementing Section 3 of Executive Order 14192, titled “Unleashing Prosperity Through Deregulation” (Mar. 26, 2025).

In this section, DHS discusses several types of impacts that could accrue from this IFR. They are described qualitatively as DHS cannot make quantitative or monetized estimates of potential impacts. DHS welcomes public comment on the cost and benefit impacts described herein.

DHS typically reviews an alien’s underlying refugee determination prior to the final adjudication of their adjustment of status to permanent residence and initiates termination when warranted.⁷⁵ Therefore, the impacted population are aliens with refugee status who entered the U.S. and have not yet adjusted status or had their determination reviewed. DHS has identified about 186,000 cases of refugees that entered the U.S. from Fiscal Year (FY) 2015 through FY 2025 that have not adjusted status.⁷⁶ This figure could represent the maximum population that could be subject to the IFR, as USCIS and ICE are currently working to identify particular subsets and aliens for requisite vetting. As it relates to potential impacts, foremost, there will be a change in the earnings (labor compensation) to the applicable aliens when their refugee status is terminated, as their work authorization would also be terminated immediately, which is at least 20 days sooner than without this rule.⁷⁷ Refugees are granted work authorization incident to status but can file a Form I-765, “Application for Employment Authorization,” under primarily the (A3) category, with a small number under the (A4) category applicable to

⁷⁵ U.S. immigration law requires refugees to apply for lawful permanent resident status after they have been physically present in the United States for at least one year. *See* Green Card for Refugees at <https://www.uscis.gov/green-card/green-card-eligibility/green-card-for-refugees>.

⁷⁶ Source, USCIS, Chief Data and Analytics Office (CDAO) formerly Office of Performance and Quality (OPQ), CLAIMS, ELIS, CIS2, PAER0019303 (Jan. 21, 2026).

⁷⁷ USCIS is unable to provide analysis on past cases in which NOITs have been issued but the alien’s refugee status was not subsequently terminated because USCIS terminated so few cases.

paroled refugees. In FY 2024, for example, USCIS approved approximately 125,000 (A3) initial employment authorization documents, which was a sharp increase from about 49,000 in FY 2023.⁷⁸ This IFR shortens the time for a refugee to respond to a NOIT from 30 days to 10 days. Accordingly, this rule would shorten the amount of time that an alien has refugee status prior to termination, and the gap (duration, in working days) in earnings time due to earlier employment termination under the IFR would pose a change in earnings ability to the aliens.⁷⁹

For those aliens in the labor force and employed at the time of their employment authorization termination, the earnings impact could create both potential distributional effects (which are transfers) and costs. The extent depends on labor market factors and the individual characteristics of aliens and potential substitute workers. The distributional impacts (transfers) would be in the form of forgone compensation (wages and benefits). However, a portion or all of this forgone compensation to aliens might comprise beneficial transfers to U.S. citizens and others lawfully allowed to work in the United States.

In addition, if employers are able to hire American workers to fill the jobs that refugees held, with relatively little labor market friction, the beneficial wage and benefit transfers to American workers would potentially pose no productivity loss or costs to employers. While it is possible that aliens without work authorization could require assistance from their social and support networks, which could include public entities, there could be a counterbalance; if the IFR process results in, or contributes to, faster

⁷⁸ Source: USCIS CDAO, CLAIMS, ELIS, PAER0020264 (Feb. 13, 2026). A small number of approximately 190 refugees received a (C9) employment authorization document when they adjusted status, from FY 2021 through FY 2025. There are currently about 113,000 refugees with approved (A3) initial work authorizations who have an I-485 pending with USCIS. Since refugees are authorized to work via status, those filing for an (A3) authorization probably do so for documentation and identification purposes, or other reasons.

⁷⁹ Since refugees do not have to file an employment authorization request with USCIS, we do not attribute sunk costs to the opportunity costs of time if their status is terminated, for which the current public reporting burden is 4.38 hours. If, however, under another category of relief, the aliens would need to file for employment authorization, they would incur costs applicable to the burden, as well as, if applicable, direct filing fees and biometrics submission charges.

removal of aliens who were ineligible for refugee status, there could be less of an economic strain on states, local government, and non-governmental organizations, in terms of any public assistance and resources that are currently provided to refugees.

As it relates to earnings impacts, there could be tax impacts. Aliens who sustain earnings changes because their employment authorization is terminated under the IFR may generate forgone federal and state taxes. However, any tax losses could be partially or fully recovered if employers are able to easily substitute others into the positions the alien held. In addition, aliens can pose fiscal strains that could be mitigated due to the effects of this rule as a counterbalance of some or all of the tax losses, if there are any.

DHS assesses that there could be labor turnover costs incurred by businesses employing aliens who would lose employment authorization under the IFR whom would not otherwise lose the authorization (*i.e.*, if currently they could reaffirm their status in 30 days but not in 10 days under this rule). Employment separations can comprise direct or “hard” costs applicable to separation and replacement charges.⁸⁰ The separation costs include exit interviews, severance pay, and costs of temporarily covering the employee’s duties and functions with other employees, which may require overtime or temporary staffing. The replacement costs typically include expenses of advertising positions, search and agency fees, screening applicants, interviews, background verification, employment testing, hiring bonuses, and possible travel and relocation costs. Once hired, employers face additional training, orientation, and assessment costs.

Second, there can be costs for productivity and possibly profitability due to operational and production disruptions, which can include errors from other employees that may temporally fill the position. A third cost segment, which is a type of indirect

⁸⁰ For a description of these costs, see “Employee Retention: The Real Cost of Losing an Employee,” by Holly Bengfort, *PeopleKeep* (updated Dec. 15, 2025), at: <https://www.peoplekeep.com/blog/Employee-Retention-The-Real-Cost-of-Losing-an-Employee>. See also, “This Fixable Problem Costs U.S. Businesses \$1 Trillion,” by Shane McFeely and Ben Wigert, *Gallup Workplace* (Mar. 13, 2019) at: <https://www.gallup.com/workplace/247391/fixable-problem-costs-businesses-trillion.aspx>.

cost, can encompass loss of institutional knowledge, networking, and impacts to work culture, morale, and interpersonal relationships.

DHS is providing a 10-day, as opposed to the current 30-day, timeframe to contest applicable NOITs. The NOIT will inform the alien the basis for termination and explain that they may submit evidence to contest termination, and/or request an interview. Aliens who would currently respond to a NOIT to attempt to reaffirm their status would sustain some direct costs and also opportunity costs of time applicable to generating and preparing responses, organizing documents and evidence, and participating in interviews. Under the 10-day timeframe, such resourcing and expenditure would likely still be incurred, but the timeframe would be contracted. There could be impacts and costs to aliens applicable to having less time to collect evidence, prepare documentation, and prepare their response.

As is pertinent to the public sector, planned extensive vetting, case review, and reinterviews, as well as enforcement operations for the Federal Bureau of Investigation and ICE, in support directly or indirectly of this IFR, could require an increase in public resources. As is applicable to mailing the NOITs, DHS will utilize express delivery service providers, which guarantee delivery within the IFR timeframe, and offers tracking and confirmation of both the package's departure from DHS custody and its delivery to the recipient. This is not a significant change from current practice and DHS does not expect that this IFR will generate additional costs applicable to mailing the NOITs. USCIS will continue to expend resources on processing and review of the responses. However, the revised timeline may generate efficiencies as USCIS will be able to schedule interviews or take action more quickly. DHS cannot predict in advance the net effect to public resources and welcomes public input concerning public sector resources.

DHS, however, does not and cannot assert that it knows and has considered every policy change that may occur at all levels and agencies of the U.S. government that may

directly or indirectly affect this IFR. Therefore, there could be other impacts not currently described in this discussion.

DHS cannot quantify the benefits of this IFR but believes that increased national security, public safety, credibility, and reduced fraud or misrepresentation by applicable aliens, among other concerns, will contribute to the safety of the American people and integrity of the lawful United States immigration system to the extent that the benefits will outweigh any costs. Streamlining the process to terminate refugee status in cases where the alien is determined to not have been a refugee at the time of admission to the United States is consistent with the DHS mission and responsibilities to ensure national security and public safety and beneficially protects the immigration system from fraud and exploitation.

C. Regulatory Flexibility Act (RFA)

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, requires federal agencies to consider the potential impact of regulations on small businesses, small governmental jurisdictions, and small organizations during the development of their rules. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The RFA's regulatory flexibility analysis requirements apply only to those rules for which an agency is required to publish a general notice of proposed rulemaking pursuant to 5 U.S.C. 553 or any other law.⁸¹ DHS did not issue a notice of proposed rulemaking for this action.

D. Unfunded Mandates Reform Act of 1995 (UMRA)

The Unfunded Mandates Reform Act of 1995 (UMRA) is intended, among other things, to curb the practice of imposing unfunded federal mandates on State, local, and

⁸¹ See 5 U.S.C. 604(a).

Tribal governments.⁸² Title II of UMRA requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed rule, or final rule for which USCIS published a proposed rule, which includes any Federal mandate that may result in a \$100 million or more expenditure (adjusted annually for inflation) in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. *See* 2 U.S.C. 1532(a). This rule is exempt from the written-statement requirement, because DHS did not publish a notice of proposed rulemaking for this rule.

In addition, this rule does not exceed the \$100 million expenditure in any one year when adjusted for inflation (\$211 million in 2025 based on the Consumer Price Index for All Urban Consumers (CPI-U)⁸³), and this rulemaking does not contain such a federal mandate as the term is defined under UMRA. The requirements of title II of UMRA therefore do not apply, thus DHS has not prepared a statement under UMRA.

E. Congressional Review Act (CRA)

The Congressional Review Act (CRA) was included as Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. 104-121, 110 Stat. 847 (Mar. 29, 1996). Based on DHS's assessment, the Office of Information and Regulatory Affairs has determined that this IFR is not a major rule as defined under the CRA in 5 U.S.C. 804(2). This rule will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or an ability of the United States-based companies to compete with foreign-based companies in domestic

⁸² The term "Federal mandate" means a Federal intergovernmental mandate or a Federal private sector mandate. *See* 2 U.S.C. 1502(1) and 658(5) and (6).

⁸³ *See* BLS, "Historical Consumer Price Index for All Urban Consumers (CPI-U): U.S. city average, all items, by month," <https://www.bls.gov/cpi/tables/supplemental-files/historical-cpi-u-202512.pdf> (last visited Aug. 18, 2026). Calculation of inflation: (1) calculate the average monthly CPI-U for the reference year (1995) and the current year (2025); (2) subtract reference year CPI-U from current year CPI-U; (3) divide the difference of the reference year CPI-U and current year CPI-U by the reference year CPI-U; (4) multiply by 100= $[(\text{average monthly CPI-U for 2025} - \text{average monthly CPI-U for 1995}) \div (\text{average monthly CPI-U for 1995})] \times 100 = [(321.943 - 152.383) \div 152.383] = (169.560 / 152.383) = 1.113 \times 100 = 111.3$ percent=111 percent (rounded). Calculation of inflation-adjusted value: \$100 million in 1995 dollars $\times 2.11 = \$211$ million in 2025 dollars.

and export markets. *See* 5 U.S.C. 804(2). However, even if this IFR did meet the criteria at 5 U.S.C. 804(2), as stated in the preamble, DHS has good cause to forgo the APA's requirements for notice and public comment (and delayed effective date) pursuant to 5 U.S.C. 553. Therefore, DHS also has good cause to forgo the CRA's 60-day delayed effective date requirement, pursuant to 5 U.S.C. 808(2). This rule is effective upon publication. DHS has complied with the CRA's reporting requirements and has sent this rule to Congress and to the Comptroller General as required by 5 U.S.C. 801(a)(1).

F. Executive Order 13132 (Federalism)

This IFR does not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of E. O. 13132, 64 FR 43255 (Aug. 4, 1999), this IFR does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

G. Executive Order 12988 (Civil Justice Reform)

DHS drafted and reviewed this IFR in accordance with E.O. 12988, Civil Justice Reform. DHS wrote this IFR to provide a clear legal standard for affected conduct and reviewed it carefully to eliminate drafting errors and ambiguities, so as to minimize litigation and undue burden on the Federal Court system. DHS determined that this rule meets the applicable standards provided in section 3(a) and 3(b)(2) of E.O. 12988, 61 FR 4729 (Feb. 5, 1996).

H. Family Assessment

DHS reviewed this rule in line with the requirements of section 654 of the Treasury General Appropriations Act, 1999, Pub. L. 105-277, 112 Stat. 2681 (1998). DHS systematically reviewed the criteria specified in section 654(c)(1), by evaluating whether this regulatory action: (1) impacts the stability or safety of the family,

particularly in terms of marital commitment; (2) impacts the authority of parents in the education, nurture, and supervision of their children; (3) helps the family perform its functions; (4) affects disposable income or poverty of families and children; (5) only financially impacts families, if at all, to the extent such impacts are justified; (6) may be carried out by State or local government or by the family; or (7) establishes a policy concerning the relationship between the behavior and personal responsibility of youth and the norms of society. If the agency determines a regulation may negatively affect family well-being, then the agency must provide an adequate rationale for its implementation.

DHS has no data that indicates this rule will have any impact on family well-being. DHS has determined that the implementation of this regulation will not negatively affect family well-being and will not have any impact on the autonomy and integrity of the family as an institution.

I. Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments)

This IFR will not have Tribal implications under E.O. 13175, Consultation and Coordination with Indian Tribal Governments, because it will not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

J. National Environmental Policy Act (NEPA)

DHS and its components analyze final actions to determine whether the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, applies and, if so, what degree of analysis is required. DHS Directive 023-01, Rev. 01 “Implementing the National Environmental Policy Act” (Directive 023-01) and Instruction Manual 023-01-001-01 Revision 01, “Implementation of the National Environmental Policy Act”

(Instruction Manual)⁸⁴ established the policies and procedures that DHS and its components use to comply with NEPA.

NEPA allows Federal agencies to establish, in their NEPA implementing procedures, categories of actions (“categorical exclusions”) that experience has shown do not, individually or cumulatively, have a significant effect on the human environment and, therefore, do not require an environmental assessment or environmental impact statement.⁸⁵ The Instruction Manual, Appendix A lists the DHS Categorical Exclusions.⁸⁶

Under DHS NEPA implementing procedures, for an action to be categorically excluded, it must satisfy each of the following three conditions: (1) the entire action clearly fits within one or more of the categorical exclusions; (2) the action is not a piece of a larger action; and (3) no extraordinary circumstances exist that create the potential for a significant environmental effect.⁸⁷

This IFR is strictly administrative and procedural because it is only amending an existing DHS regulation governing the termination of refugee status. DHS has reviewed this IFR and finds that no significant impact on the environment, or any change in environmental effect will result from the amendments being promulgated in this rule.

Accordingly, DHS finds that the promulgation of this IFR’s amendments to a current regulation clearly fits within the categorical exclusion A3 established in DHS’s NEPA implementing procedures as an administrative change with no change in environmental effect, is not part of a larger Federal action, and does not present extraordinary circumstances that create the potential for a significant environmental effect. Therefore, these regulatory amendments are categorically excluded from further NEPA review.

⁸⁴ The Instruction Manual contains DHS’ procedures for implementing NEPA and was issued Nov. 6, 2014. *See* DHS, Office of the Chief Readiness Support Officer, National Environmental Policy Act Compliance, <https://www.dhs.gov/ocrso/eed/epb/nepa> (last updated Apr. 14, 2025).

⁸⁵ *See* 42 U.S.C. 4336(a)(2), 4336e(1).

⁸⁶ *See* Instruction Manual, Appendix A, Table 1.

⁸⁷ Instruction Manual 023-01 at V.B(2)(a)-(c).

K. Paperwork Reduction Act (PRA)

Under the Paperwork Reduction Act of 1995, Public Law 104-13, all agencies are required to submit to OMB, for review and approval, any reporting requirements inherent in a rule. This rule does not impose any reporting or recordkeeping requirements under the Paperwork Reduction Act.

List of Subjects in 8 CFR Part 207

Administrative practice and procedure, Refugees, Reporting and recordkeeping requirements.

Accordingly, for the reasons set forth in the preamble, DHS amends 8 CFR part 207 as follows:

PART 207-ADMISSION OF REFUGEES

1. The authority citation for part 207 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1151, 1157, 1159, 1182; 8 CFR part 2.

2. Revise § 207.9 to read as follows:

§ 207.9 Termination of refugee status.

The refugee status of any alien (and of the spouse or child of the alien) admitted to the United States under section 207 of the Act will be terminated by USCIS if the alien was not a refugee within the meaning of section 101(a)(42) of the Act at the time of admission. USCIS will notify the alien in writing of its intent to terminate the alien's refugee status. The alien will have 10 days from the date notice is served upon him or her in accordance with 8 CFR 103.8 to present written or oral evidence to show why the alien's refugee status should not be terminated. There is no appeal under this chapter from the termination of refugee status by USCIS. Upon termination of refugee status, USCIS will process the alien under sections 235, 240, and 241 of the Act.

Markwayne Mullin,
Secretary,
U.S. Department of Homeland Security.

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