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USCIS to Consider Anti-Americanism in Immigrant Benefit Requests

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WASHINGTON – U.S. Citizenship and Immigration Services is updating guidance in the [USCIS Policy Manual](#) regarding the factors that officers consider in certain benefit requests where an exercise of discretion is required, including factors relating to aliens' past requests for parole and any involvement in anti-American or terrorist organizations, as well as the use of discretion in adjudication of certain benefit requests where evidence of antisemitic activity is present.

Separately, USCIS has expanded the types of benefit requests that receive social media vetting, and reviews for anti-American activity will be added to that vetting. Anti-American activity will be an overwhelmingly negative factor in any discretionary analysis.

"America's benefits should not be given to those who despise the country and promote anti-American ideologies. U.S. Citizenship and Immigration Services is committed to implementing policies and procedures that root out anti-Americanism and supporting the enforcement of rigorous screening and vetting measures to the fullest extent possible," said USCIS spokesman Matthew Tragesser. "Immigration benefits—including to live and work in the United States—remain a privilege, not a right."

USCIS is reiterating its guidance that an alien's compliance with immigration laws is a relevant factor when determining if a favorable exercise of discretion is warranted and updating the Policy Manual to provide additional guidance in circumstances where an alien has endorsed, promoted, supported, or otherwise espoused the views of a terrorist organization or group, including aliens who support or promote anti-American ideologies or activities, antisemitic terrorism and antisemitic terrorist organizations, or who promote antisemitic ideologies. When conducting a discretionary analysis, USCIS officers will consider whether an alien's application for admission or parole was made in accordance with all applicable laws, regulations, and policies in effect at the time.

This update will also clarify how an exercise of discretion is applied when adjudicating an EB-5 investor petition or application in cases involving threats to the national interest, fraud, deceit, misrepresentation, and criminal misuse.

This [guidance](#), contained in Volume 1 of the Policy Manual, is effective immediately and applies to requests pending or filed on or after the publication date. The guidance contained in the Policy Manual is controlling and supersedes any related prior guidance.

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