Chapter 7 - Privacy and Confidentiality

Guidance

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A. Privacy Act of 1974

The Privacy Act provides that federal agencies must protect against the unauthorized disclosure of personally identifiable information (PII) that it collects, disseminates, uses, or maintains.[1] The Privacy Act requires that personal information belonging to U.S. citizens and lawful permanent residents (LPRs) be protected from unauthorized disclosure. Violations of these requirements may result in civil and criminal penalties.

B. Fair Information Practice Principles

DHS treats all persons, regardless of immigration status, consistent with the Fair Information Practice Principles (FIPPs).[2] The FIPPs are a set of eight principles that are rooted in the tenets of the Privacy Act of 1974. The principles are:

- Transparency;
- Individual participation;
- Purpose specification;
- Data minimization;
- Use limitation;
- Data quality and integrity;
- Security; and
- Accountability and auditing.

The table below provides a description of each principle.

Fair Information Practice Principles *DHS Framework for Privc*

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Principle	Description
Transparency	DHS provides transparency for how it handles sensitive information through various mechanisms, including Privacy Impact Assessments, System of Records Notices, Privacy Act Statements, and the Freedom of Information Act (FOIA).
Individual Participation	To the extent practicable, DHS should involve persons in the process of using their personal information, and they may always request information about themselves through a FOIA request.
Purpose Specification	DHS' default action should be to not collect information, and if it is otherwise necessary, DHS should articulate the authorities that permit collection and must clearly state the purposes of the information collection.
Data Minimization	DHS collects only information relevant and necessary to accomplish the purposes specified and special emphasis is placed on reducing the use of sensitive personal information, where practical.
Use Limitation	Any sharing of information outside of the agency must be consistent with the use or purpose originally specified.
Data Quality and Integrity	DHS should, to the extent practical, ensure that PII is accurate, relevant, timely, and complete.
Security	DHS uses appropriate security safeguards against risks such as loss, unauthorized access or use, destruction, modification or unintended or inappropriate disclosure.
Accountability and Auditing	DHS has a number of accountability mechanisms, including reviews of its operations, training for employees, and investigations when appropriate.

C. Personally Identifiable Information

DHS defines PII as any information that permits the identity of a person to be directly or indirectly inferred, including any information which is linked or linkable to that person regardless of whether the person is a U.S. citizen, lawful permanent resident (LPR), visitor to the United States, or a DHS employee or contractor.[3]

Sensitive PII is defined as information which, if lost, compromised, or disclosed without authorization, could result in substantial harm, embarrassment, inconvenience, or unfairness to a person.[4] Some examples of PII that USCIS personnel may encounter include:

- Name;
- Address;

- Date of birth; and
- Certificate of Naturalization or Citizenship number.
- Alien number (A-number);
- Social Security number;
- Driver's license or state ID number;
- Passport number; and
- Biometric identifiers.

USCIS employees have a professional and legal responsibility to protect the PII the agency collects, disseminates, uses, or maintains. All USCIS employees must follow proper procedures when handling all PII and all information encountered in the course of their work. All USCIS employees processing PII must know and follow the policies and procedures for collecting, storing, handling, and sharing PII. Specifically, USCIS employees must:

- Collect PII only when authorized;
- Limit the access and use of PII;
- Secure PII when not in use;
- Share PII, only as authorized, with persons who have a need to know; and
- Complete and remain current with all privacy, computer security, and special protected class training mandates.

D. Case-Specific Inquiries

USCIS receives a variety of case-specific inquiries, including requests for case status updates, accommodations at interviews, appointment rescheduling, and the resolution of other administrative issues. USCIS personnel are permitted to respond to these inquiries if:

- The requestor is entitled to receive the requested case-specific information; and
- Disclosure of the requested case-specific information would not violate Privacy Act requirements or other special protected class confidentiality protections.

1. Verifying Identity of Requestor

USCIS employees must verify the identity of a person inquiring about a specific application or petition. For in-person inquiries, those present must provide a government-issued identity document so that USCIS can verify their identity.

For inquiries not received in person (for example, those received through telephone call or email), it may be difficult to verify the identity of the person making the request through a government-issued document. In these cases, USCIS employees should ask for specific identifying information about the case to ensure that it is appropriate to communicate case-specific information. Examples of identifying information include, but are not limited to: receipt numbers, A-numbers, full names, dates of birth, email addresses, and physical addresses.

If a person is unable to provide identifying information that an applicant, petitioner, or representative should reasonably know, USCIS employees may refuse to respond to the request, or direct the requestor to make an appointment at a local field office or create a myUSCIS account.

2. Disclosure of Information

Except for case types with heightened privacy concerns,[5] USCIS employees may communicate about administrative case matters if the requestor is able to demonstrate his or her identity (for example, by showing government-issued identification during an in-person encounter), or provide verifying information sufficient to demonstrate that communication would be proper. Administrative case matters are generally any issues that do not involve the legal substance or merit of an application or petition.

USCIS employees should not disclose PII when responding to case-specific requests; inquiries can generally be resolved without any discussion of PII.[6] To ensure that a USCIS employee is not disclosing PII, the USCIS employee can always require that the requestor first provide and confirm any PII at issue. In addition, a USCIS employee may take action that results in the resending of cards, notices, or documents containing PII to addresses on file instead of directly disclosing PII to a requestor.

Interested parties may be present at in-person appointments or during telephone calls, with the consent of the applicant or petitioner. Consent is usually implied if both the applicant or petitioner and the third party are present together. However, a USCIS employee may always ask the applicant or petitioner if he or she consents to the third-party's presence if there is any doubt.

3. Communication with Address on File

USCIS sends written correspondence to the address on file. Before USCIS is able to send any correspondence to a different address, the person must update their address in USCIS systems.[7] Change of address requests associated with people protected by 8 U.S.C. 1367 confidentiality provisions must follow separate procedures.[8]

4. Third-Party Information

Information from other agencies, such as Immigration and Customs Enforcement (ICE), the Federal Bureau of Investigation (FBI), or the U.S. Department of State (DOS) may be located in USCIS files and systems. This information must not be released in response to an inquiry, although it may be appropriate to refer the inquiry to another agency.

5. Third-Party Government Inquiries

USCIS may share records covered under the Privacy Act with written consent from the person or pursuant to a routine use listed in the applicable System of Records Notices. Before sharing information with a government entity, USCIS must determine if the disclosure and use of information is compatible with an existing routine use. Planned uses must also be compatible with the purpose for which DHS originally collected the information. There are, however, enumerated exceptions of the Act that may apply.

Congress

One exception is for disclosures to either house of Congress, or any Congressional committee, subcommittee, joint committee, or subcommittee of a joint committee, if the matter is within its jurisdiction. For all other requests from members of Congress, such as constituent requests, the person whose information is to be released must have provided the member of Congress with a privacy release for USCIS to disclose any information related to that person.

The USCIS Office of Legislative and Intergovernmental Affairs (OLIA)) and designated liaisons handle all inquiries and certain correspondence from Congress to USCIS. Members of Congress, congressional offices, and congressional committees should always go through OLIA when initiating an inquiry. The USCIS and Congress webpage on USCIS' website provides instructions on how members of Congress should interact with and contact USCIS. Non-liaison USCIS employees who are contacted directly with a congressional inquiry should refer it to OLIA so that it may proceed through the proper channels.

Law Enforcement Agencies

Information may be shared with other DHS components under the existing DHS information sharing policy,[9] which considers all DHS components one agency, as long as there is a mission need in line with the requestor's official duties.

Requests from law enforcement agencies outside of DHS must go through DHS Single Point of Service (SPS) Request for Information (RFI) Management Tool, which requires an account. Account requests can be submitted to DHS-SPS-RFI@hq.dhs.gov.

Before referring any relevant RFI to USCIS, SPS ensures any RFI is consistent with the USCIS mission, has been reviewed and cleared by DHS Counsel and Privacy (as required), and is provided a tracking number. SPS then submits the RFI to Fraud Detection and National Security (FDNS) Intelligence Division (ID). FDNS ID logs official RFIs and takes the necessary steps to process and answer them, including review by USCIS Office of the Chief Counsel and Office of Privacy.

Federal Investigators

If an Office of Personnel Management or DHS Office of Inspector General (OIG) investigator requests information, the USCIS employee should provide the information upon verifying the requestor's identity. Disclosure of any information needs to meet a routine use or be covered by a data share agreement. USCIS employees and contractors must provide prompt access for auditors, inspectors, investigators, and other personnel authorized by the OIG to any files, records, reports, or other information that may be requested either orally or in writing, and supervisors may not impede this cooperation.

Other Third-Party Inquiries

Prior to responding to a non-congressional third-party case inquiry, a written, signed, and notarized privacy release must be obtained from the applicant or petitioner. Third parties should submit a written authorization and identify the information the person desires to be disclosed. USCIS staff can accept the authorization via facsimile or email as long as the signature on the original is handwritten, and not typed or stamped.[10] The USCIS Office of Privacy will conduct an analysis for disclosure requests for PII on persons not covered by the Privacy Act or the Judicial Redress Act, absent another mechanism that confers a right or process by which a member of the public may access agency records.

E. VAWA, T, and U Cases

1. Confidentiality Provisions

Persons eligible for and recipients of victim-based immigration relief (specifically, Violence Against Women Act (VAWA) self-petitioners[11] as well as applicants and petitioners for, and recipients of, T and U nonimmigrant status (protected person[12])) are entitled to protections under 8 U.S.C. 1367. USCIS also extends the provisions of 8 U.S.C. 1367 to abused spouses of certain persons applying for employment authorization under INA 106.[13] The governing statute generally prohibits the unauthorized disclosure of information about petitioners and applicants for, and beneficiaries of VAWA, T, and U-related benefit requests to anyone other than an officer or employee of DHS, the U.S. Department of Justice (DOJ), or DOS for a legitimate agency purpose.[14]

This confidentiality provision is commonly referred to as "Section 384" because it originally became law under Section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996,[15] which protects the confidentiality of victims of domestic violence, trafficking, and other crimes who have filed for or have been granted immigration relief.

An unauthorized disclosure of information which relates to a protected person can have significant consequences. USCIS employees must maintain confidentiality in these cases. Victims of domestic violence, victims of trafficking, and victims of crimes can be put at risk, as can their family members, if information is provided to a person who is not authorized.

Anyone who willfully uses, publishes, or permits any information pertaining to such victims to be disclosed in violation of the above-referenced confidentiality provisions may face disciplinary action and be subject to a civil penalty of up to $5,000 for each violation.

2. Scope of Confidentiality

Duration of Confidentiality Requirement

By law, the confidentiality provisions apply while a VAWA, T, or U case is pending and after it is approved. The protections end when the request for immigration relief is denied and all opportunities for appeal of the denial have been exhausted.

These protections also terminate once a protected person naturalizes. 8 U.S.C 1367 was drafted with the intention of protecting the "alien."[16] Naturalized U.S. citizens were not the intended category of persons to be protected.

USCIS maintains the ability to reapply 8 U.S.C 1367 protections to naturalized U.S. citizens in limited circumstances. For example, if a previously protected naturalized citizen's eligibility for citizenship were called into question, the protections would be reinstated. Additionally, the derivative beneficiaries of a protected naturalized U.S. citizen remain protected by statute until the beneficiaries become naturalized U.S. citizens.

Disclosure of Information

The statute prevents DHS from disclosing any information which relates to a person protected under 8 U.S.C. 1367 (protected person), subject to certain limited exceptions.[17] This includes information USCIS has in its records or other information about the protected person, even if those records do not specifically identify the person as one who has sought VAWA, T, or U benefits. Consequently, USCIS cannot disclose information about a protected person even if that information is not contained in a VAWA, T, or U filing.[18]

USCIS cannot release any information relating to a protected person until USCIS verifies both the identity of the requestor of information and the requestor's authorization to receive the protected information. USCIS must verify the identity and authorization before responding to any inquiry, expedite request, referral, or other communication. After identity and authorization verification, USCIS can provide protected information directly to the protected person or the protected person's representative authorized to receive 1367-protected information.

Representative refers to an attorney or accredited representative who has properly filed a Notice of Entry of Appearance as Attorney or Accredited Representative (Form G-28) on behalf of a protected person and who remains in good standing or is not otherwise ineligible to represent persons with matters before USCIS.

Exceptions for Disclosure of Information

USCIS is permitted to disclose information relating to a protected person in certain, limited circumstances. These circumstances include:

- Statistical Information – Disclosure of data and statistical information may be made in the manner and circumstances permitted by law.[19]
- Legitimate Law Enforcement Purposes – Disclosure of information may be made to law enforcement officials to be used solely for a legitimate law enforcement purpose.
- Judicial Review – Information can be disclosed in connection with judicial review of a determination provided it is in a manner that protects the confidentiality of the information.
- Applicant Waives Confidentiality – Adults can voluntarily waive the confidentiality provision; if there are multiple victims in one case, they must all waive the restrictions.
- Public Benefits – Information may be disclosed to federal, state, and local public and private agencies providing benefits, to be used solely in making determinations of eligibility for benefits.[20]
- Congressional Oversight Authority (for example, Government Accountability Office audits) – The Attorney General and the Secretary of Homeland Security can disclose information on closed cases to the chairmen and ranking members of Congressional Committees on the Judiciary, for the exercise of Congressional oversight authority. The disclosure must be in a manner that protects the confidentiality of the information and omits PII (including location-related information about a specific person).
- Communication with Non-Governmental Organizations (NGO) – Government entities adjudicating applications for relief[21] and government personnel carrying out mandated duties under the Immigration and Nationality Act (INA)[22] may, with the prior written consent of the person involved, communicate with nonprofit NGO victims' service providers for the sole purpose of assisting victims in obtaining victim services. Agencies receiving referrals are bound by the confidentiality provisions.
- National Security Purposes – The Secretary of Homeland Security, the Secretary of State, or the Attorney General may provide in their discretion the disclosure of information to national security officials to be used solely for a national security purpose in a manner that protects the confidentiality of such information.
- To sworn officers or employees of DOS or DOJ, for legitimate Department, bureau, or agency purposes.

Prohibited Source

USCIS employees are prohibited from making an adverse determination of admissibility, deportability, or removability on a protected person using information furnished solely by a prohibited source. The officer

must not use information provided by the following prohibited sources to make an adverse determination:

- The abuser or perpetrator of the offense;
- Family member of the abuser; or
- Someone acting at the request of the abuser.

If the officer can independently corroborate the information from a non-prohibited source, the officer may use the information from the non-prohibited source in the adjudication process.

USCIS employees may receive information about a protected person through an anonymous personal letter, phone call, statement, tip form submission, or other method that raises questions regarding their eligibility for immigration benefits. USCIS employees should treat the information as inherently suspect and presume that derogatory information received from an unknown source came from a prohibited source.[23]

3. USCIS Assistance

USCIS employees must ensure confidentiality is maintained when a benefit requestor protected under 8 U.S.C. 1367 requests assistance.

Change of Address

Benefit requestors with a pending or approved VAWA, T, or U-related case can request a change of address by following the instructions on the How to Change Your Address webpage.

A benefit requestor with a pending or approved VAWA, T, or U-related case may also call the USCIS Contact Center at 1-800-375-5283 (TTY: 1-800-767-1833) to request an address change. The benefit requestor's identity must be verified before making the requested change. If the Contact Center is unable to make the change requested, they schedule an in-person appointment at a USCIS field office. If the change is made during an in-person appointment, the field office must make the change in electronic systems and notify the office with jurisdiction over the pending case of the change.

Customer Service Inquiries

Due to 8 U.S.C. 1367 protections, protected persons have specialized customer service options for their case inquiries to USCIS. As noted above, benefit requestors with pending or approved VAWA, T, or U-related cases may request customer service via the USCIS Contact Center at 1-800-375-5283 (TTY: 1-800-767-1833). USCIS must verify the identity of the person inquiring about a confidential case and verify that person's eligibility to receive information before providing any information or other requested service. To access Contact Center services, protected persons calling about a particular form (or forms) should have their receipt notice(s) on hand for reference during the call. They should also have a copy of the pending or approved application or petition that they are calling about readily available, if possible.

For more information related to how to make customer service inquiries for protected persons who have VAWA, T, and-U related filings, see the USCIS Contact Us webpage.

4. Mailing Address Procedures for Persons Protected Under 8 U.S.C. 1367

Defining "Safe Mailing Address" and "Preferred Mailing Address"

USCIS is committed to incorporating victim-centered approaches into agency policies, programs, and procedures related to interactions with protected persons.

A critical component of this approach is the prioritization of victim safety and autonomy. Under this framework, USCIS acknowledges that protected persons are best positioned to make decisions about where correspondence should be directed.

USCIS has policies and procedures in place so that information related to protected persons is disclosed only to authorized parties.[24] In the context of mailed correspondence, USCIS has implemented procedures to minimize the risk of unauthorized parties viewing the protected information. Many of the forms that initiate the 8 U.S.C. 1367 protections (victim-based forms) include a specific address field for a designated "safe mailing address."[25]

Other forms may not have a designated safe mailing address field, but instead may include space to provide a mailing address that may be different from the person's home or physical address (referred to in this guidance as the "preferred mailing address"). When a form does not have a safe mailing address field, but the protected person has listed a preferred mailing address, USCIS considers the preferred mailing address to be a safe and secure address to use for notices, correspondence, and secure identity documents for the protected person. The safe mailing address or preferred mailing address may change over time as the protected person files new benefit requests or submits a request to change their address.[26]

Adjudication of Non-Victim-Based Benefit Requests

The protections provided by 8 U.S.C. 1367 do not change which USCIS office has jurisdiction to adjudicate a benefit request that a protected person has filed.

In instances where a protected person files a non-victim-based benefit request, the USCIS office that has jurisdiction over that matter may still adjudicate the benefit request even though it contains information about a protected person. Officers are not required to involve the USCIS offices assigned to adjudicate victim-based benefit requests in the adjudication of the non-victim-based benefit request.[27]

The prohibition on adverse determinations described in 8 U.S.C. 1367(a)(1) applies to all cases where a protected person is an applicant, beneficiary, or petitioner. Therefore, even if an officer is adjudicating a non-victim-based application or petition (such as a Petition for Nonimmigrant Worker (Form I-129), Petition for Alien Relative (Form I-130), Immigrant Petition for Alien Worker (Form I-140), or Application for Naturalization (Form N-400)), officers cannot make adverse determinations of admissibility, deportability, or removability based solely on information provided by a prohibited source. Officers can use information if that information can be located in, and sourced to, an independent, non-prohibited source.[28]

Sending Notices to the Designated Safe Mailing Address or Preferred Mailing Address

The designated safe mailing address or preferred mailing address may be the protected person's home address, their attorney or accredited representative's address, their preparer's address, or any other address listed on a form under the safe mailing address field or mailing address field.[29] If a protected person designates a safe mailing address or provides a preferred mailing address in an applicable field, USCIS sends original notices (including the notice containing the Arrival/Departure Record (Form I-94)), correspondence, and secure identity documents to that address, unless the person is represented and has a properly filed Form G-28 on record that requests USCIS send original notices, the Form I-94, and secure identity documents to the attorney or accredited representative.[30] In such a case, USCIS only sends courtesy copies of notices to the protected person at their designated safe or preferred mailing address.

Sending Notices to Protected Persons on Subsequent, Concurrent, or Previous Filings

Officers must review each form individually to determine where to send notices or secure identity documents issued from an adjudication of that form. Officers should not rely on addresses contained in prior filings, including any prior Form G-28 where representation does not extend to other forms, when sending notices related to forms filed with, or after, the 8 U.S.C. 1367 filing. This guidance applies to both the primary forms that are protected by 8 U.S.C. 1367, as well as any related or subsequent forms or requests submitted by a protected person, such as an Application for Employment Authorization (Form I-765), Application to Replace Permanent Resident Card (Form I-90), or Form N-400.

When adjudicating benefit requests filed by or for the protected person before the 8 U.S.C. 1367 protections applied, officers should review the immigration records to determine if the person filed a request for an address change.[31] In general, officers should use the preferred mailing address listed on the individual's benefit form under adjudication for notices, correspondence, or secure identity documents related to that form unless the person has changed their address for that specific form with USCIS or an exception to the policy applies.

There are certain exceptions to this policy, such as when the underlying basis for an Application to Register Permanent Residence or Adjust Status (Form I-485), is changed from a Form I-130 to a Petition for Amerasian, Widow(er), or Special Immigrant (Form I-360), filed as a VAWA self-petition. USCIS changes the mailing address of the pending ancillary forms, such as the Form I-765 and Application for Travel Documents, Parole Documents, and Arrival/Departure Records (Form I-131) to the safe mailing address on the VAWA self-petition. USCIS changes the mailing address on the Form I-485 to the safe mailing address on the VAWA self-petition after approval of the petition.

Guide to Mailing Address Procedures for Protected Persons

The table below outlines common scenarios relevant to safe address procedures. Officers should follow the instructions below to ensure all notices and secure identity documents are sent to the correct location.

Protected Persons With a Representative

If the protected person…	**Then**
Provided their representative's address as the safe or preferred mailing address.	USCIS sends original and courtesy copies of notices and secure identity documents to the address of the protected person's representative.
Provided a safe or preferred mailing address, which is not their representative's address, and selected the options on the Form G-28 for all original notices and secure identity documents to be sent to their representative.	According to the preferences indicated by the protected person on the Form G-28, USCIS sends all original notices and secure identity documents to the representative listed on the Form G-28. USCIS only sends a courtesy copy of a notice to the protected person at their safe or preferred mailing address.

If the protected person…	Then
Provided only a physical address.	For victim-based forms, USCIS always sends all notices or secure identity documents to the address of the protected person's representative, regardless of their selections on the Form G-28.[32] For non-victim-based forms,[33] USCIS sends original notices or secure identity documents to the physical address listed on the Form G-28. The representative only receives a courtesy copy of any notices sent to the protected person.
Provided only a physical address and selected the option on the Form G-28 that the Form I-94 be sent to the protected person's mailing address.	For victim-based forms, USCIS sends the Form I-94 to the address of the protected person's representative, regardless of their selections on the Form G-28.[34] For non-victim-based forms,[35] USCIS sends the Form I-94 to the physical address listed on the Form G-28. The representative only receives a courtesy copy of any notices sent to the protected person.

Protected Persons Without a Representative

If the protected person…	Then
Provided a safe mailing address or preferred mailing address.	Provided only a physical address.
Provided only a physical address.	USCIS sends all original notices and secure identity documents to the protected person's physical address listed on the form.[36]

Instructions for Mailing Address Procedures for Protected Persons with Multiple Pending Forms

If the protected person has more than one pending benefit request, in general, USCIS uses the safe mailing address or preferred mailing address that the person listed on the relevant form. USCIS may send correspondence to multiple addresses depending on the protected person's preferences listed on the relevant form or Form G-28.

Example

A protected person lists a friend's address as a safe mailing address on a Petition for U Nonimmigrant Status (Form I-918), but uses their physical address as a mailing address on their pending Application for Temporary Protected Status (Form I-821). In this case, USCIS considers the friend's address as the safe or preferred

mailing address for the Form I-918. However, USCIS considers the physical address as the safe or preferred mailing address for the Form I-821. If the protected person has a Form G-28 on file, USCIS sends all original notices or secure documents according to their preferences listed on Form G-28.

The protected person must change their address for each individual form they have filed with USCIS. The filing of a subsequent benefit request with a new address does not automatically update the address for the prior filing.

F. Asylees and Refugees

1. Confidentiality Provisions

Federal regulations generally prohibit the disclosure to third parties of information contained in or pertaining to asylum applications, credible fear determinations, and reasonable fear determinations.[37] This includes information contained in the legacy Refugee Asylum and Parole System (RAPS) or the legacy Asylum Pre-Screening System (APSS), and Global System (the 2018 replacement for RAPS/APSS) or related information as displayed in CIS2 and PCQS, except under certain limited circumstances. As a matter of policy, the confidentiality protections in these regulations are extended to Registration for Classification as Refugee (Form I-590), Refugee/Asylee Relative Petitions (Form I-730), and Applications for Suspension of Deportation or Special Rule Cancellation of Removal (Pursuant to Section 203 of Public Law 105-100 (NACARA)) (Form I-881).

These regulations safeguard information that, if disclosed publicly, could subject the claimant to retaliatory measures by government authorities or non-state actors in the event the claimant is repatriated. Such disclosure could also endanger the security of the claimant's family members who may still be residing in the country of origin.

Moreover, public disclosure might give rise to a plausible protection claim by the claimant where one would not otherwise exist. This is because such disclosure may bring an otherwise ineligible claimant to the attention of the government authority or non-state actor against which the claimant has made allegations of mistreatment.

2. Breach of Confidentiality

Confidentiality is breached when the unauthorized disclosure of information contained in or pertaining to, these protected classes allows the third party to link the identity of the applicant to:

- The fact that the applicant or petitioner has applied for asylum or refugee status;
- Specific facts or allegations pertaining to the individual asylum or refugee claim contained in an asylum or refugee application; or
- Facts or allegations that are sufficient to give rise to a reasonable inference that the applicant has applied for asylum or refugee status.

The same principles generally govern the disclosure of information related to credible fear and reasonable fear determinations, and applications for withholding or deferral of removal under Article 3 of the Convention Against Torture, which are encompassed within the Application for Asylum and for Withholding of Removal (Form I-589). As a matter of policy, USCIS extends the regulatory safeguards to include claims under the Safe

Third Country Agreement, applications for suspension of deportation, special rule cancellation of removal under NACARA 203, refugee case information, as well as refugee and asylee relative information.

Disclosures may only be made to U.S. government officials or employees and U.S. federal or state courts where there is a demonstrated need-to-know related to certain administrative, law enforcement, and civil actions. Any other disclosure requires the written consent of the claimant or the express permission of the Secretary of DHS.

3. USCIS Assistance

USCIS employees must not disclose information contained in, or pertaining to, any asylum or refugee application or claim to any third party without the written consent of the applicant, except as permitted by regulation or at the discretion of the Secretary of DHS.[38]

This includes neither confirming nor denying that a particular person filed a protection claim by submitting any of the following:

- Form I-589;
- Form I-590;
- Form I-730;
- A Request for a Safe Third Country Agreement Determination;
- A Request for a Credible Fear Determination;
- A Request for a Reasonable Fear Determination; and
- Form I-881.

USCIS employees should respond to inquiries related to Form I-589, Form I-881, requests for information pertaining to the Safe Third Country Agreement, credible fear and reasonable fear processes, Form I-590, and Form I-730 in different ways, depending on the inquiry:

Request for Disability Accommodation at an Upcoming Form I-589 Interview

Tier 2 staff members may use the Service Request Management Tool (SRMT) to record and transfer requests to the asylum office with jurisdiction over the pending application. The asylum office then contacts the applicant to arrange for disability accommodation at the interview. While officers must not confirm or deny the existence of a pending protection claim or NACARA 203 application, those making disability accommodation requests for upcoming asylum interviews should be told that the request is being recorded and will be forwarded to the appropriate office for follow-up.

Change of Address Request

Aliens can request a change of address by following the instructions on the How to Change Your Address webpage.[39]

If a requestor calls the USCIS Contact Center for a change of address request, staff members cannot confirm or deny the existence of a pending protection claim without completing enhanced identity and authorization verification. USCIS Contact Center staff may direct the requestor to the How to Change Your Address webpage and explain how a requestor can change their address.

Case Status Inquiries for Form I-589, Form I-881, and Screening Interviews

Form I-589 applicants and their authorized representatives may use the Case Status Online tool for case status updates. If they need further assistance, they may contact the USCIS Contact Center with case inquiries.

Form I-589 applicants, Form I-881 applicants, and aliens in the credible fear, reasonable fear, and Safe Third Country Agreement protection screening processes or their authorized representatives may request customer service via the USCIS Contact Center at 1-800-375-5283 (TTY: 1-800-767-1833). To access USCIS Contact Center services, applicants or their authorized representatives calling about Form I-589 or Form I-881 should have their receipt notices on hand for reference during the call. They should also have a copy of the pending or approved application that they are calling about readily available, if possible.

Due to certain confidentiality provisions,[40] USCIS must complete enhanced identity and authorization verification before confirming or denying the existence of these applications and protection screenings or responding to any such inquiry, expedite request, referral, or other communication. Only the alien or their authorized representative may receive information on the application or protection screening.

USCIS Contact Center personnel may direct the caller to USCIS tools or resources or to information on office-specific in-person appointment requirements when appropriate. If USCIS Contact Center staff is unable to resolve the inquiry, the USCIS Contact Center staff submits a service request to the appropriate office with jurisdiction for resolution. To locate an asylum office, use the Asylum Office Locator tool.

Asylum offices may also accept case inquiries directly from the alien or their attorney or accredited representative with a properly completed Notice of Entry of Appearance as Attorney or Accredited Representative (Form G-28) on file.

Asylum offices may receive case inquiries in a variety of ways, such as by mail, email, phone, fax, or in person. After enhanced identity and authorization verification is complete, asylum offices may respond to inquiries using any of those communication channels. To protect confidential information, asylum offices use encryption and password-protected attachments if responding by email. If it is not possible to verify the identity of the inquirer, asylum offices should respond by providing a written response to the last address the applicant provided.

USCIS Contact Center Status Inquiries for Form I-730

All preliminary case inquiries are fielded by the USCIS Contact Center for Form I-730 petitions. Should Contact Center staff be unable to resolve the inquiry, a service request is submitted to the appropriate office with jurisdiction for resolution. The domestic USCIS offices that process and make decisions on Form I-730 petitions may only respond to inquiries received through a service request from the USCIS Contact Center. International USCIS offices may respond to email inquiries from I-730 petitioners.

Due to certain confidentiality provisions that apply to asylees and refugees,[41] USCIS cannot release any information contained in or pertaining to Form I-730 petitions until USCIS verifies the identity of the requestor of information and the requestor's authorization to receive the protected information. The petitioner or their authorized representative may request information on the petition. USCIS must verify identity and authorization before responding to any inquiry, expedite request, referral, or other communication related to the Form I-730 petition. After identity and authorization verification, USCIS Contact Center personnel may respond to inquiries.

Form I-730 petitioners or their authorized representatives may request customer service via the USCIS Contact Center at 1-800-375-5283 (TTY: 1-800-767-1833). To access Contact Center services, petitioners or their

authorized representatives calling about Form I-730 should have their receipt notice(s) on hand for reference during the call. They should also have a copy of the pending or approved petition that they are calling about readily available, if possible.

Representative refers to an attorney or accredited representative who has properly filed a Form G-28 on behalf of a petitioner and who remains in good standing or is not otherwise ineligible to represent persons with matters before USCIS.

Asylum offices do not process Form I-730 petitions. USCIS Contact Center personnel should not direct the caller to appear in person or contact asylum offices to inquire or seek information about Form I-730 petitions.

Additionally, initial domestic processing of Form I-730 following-to-join asylee and following-to-join refugee petitions is completed in offices that are not public facing. USCIS Contact Center personnel should not direct the caller to appear at USCIS service centers or RAIO offices in the United States relating to Form I-730 petitions.

USCIS Contact Center Status Inquiries for Form I-590 Applications

USCIS Contact Center personnel may not respond to any status inquiries and may not confirm or deny the existence of an application or petition. Instead, USCIS Contact Center personnel should obtain all relevant information from the inquirer and refer the inquiry to the USCIS Headquarters International and Refugee Affairs Division (IRAD) for response.

Inquiries Regarding Subsequent Applications or Petitions Based on Underlying Form I-589, Form I-590, or Form I-730

Staff members may respond to inquiries regarding subsequent applications or petitions that are based on an underlying Form I-589, Form I-590, or Form I-730 (including Form I-131, Form I-765, or Form I-485). Staff members may not confirm or deny the existence of the underlying Form I-590; however, staff members may confirm or deny the existence of the underlying Form I-589 application or Form I-730 petition after completing enhanced identity and authorization verification.

General Inquiries

USCIS employees may respond to general questions about the asylum program, the U.S. Refugee Admissions Program (USRAP), and credible and reasonable fear screenings.[42] However, for certain specific case questions relating to:

- Form I-589 applications: the inquiries may be routed to the local asylum office with jurisdiction over the application;
- Form I-730 petitions: the inquiries may be routed to the USCIS office with jurisdiction over the petition; or
- Form I-590 refugee applications: the inquiries may be routed to Refugee and International Operations (RIO) for response.

G. Temporary Protected Status

1. Confidentiality Provisions

Like refugee and asylum cases, information pertaining to Temporary Protected Status (TPS) cases may not be disclosed to certain third parties because unauthorized disclosure of information may place the applicant or the applicant's family at risk.[43]

The law prohibits the release of information contained in the TPS application or in supporting documentation to third parties without the written consent of the applicant. A third party is defined as anyone other than:

- The TPS applicant;
- The TPS applicant's attorney or authorized representative (with a properly completed Form G-28 on file);
- A DOJ officer, which has also been extended to include a DHS officer following the transfer of certain immigration functions from DOJ to DHS; or
- Any federal or state law enforcement agency.

2. USCIS Assistance

USCIS may not release any information contained in any TPS application and supporting documents in any form to any third party, without a court order or the written consent of the applicant.[44] Status inquiries may not confirm or deny the existence of a TPS application, or whether a person has TPS, until the identity of the inquirer has been confirmed and it has been determined the inquirer is not a third party to whom information may not be released.

USCIS employees must adhere to these same TPS confidentiality provisions regarding the disclosure of information to third parties, even if the information is contained in a TPS-related form such as:

- Form I-765, which every TPS applicant must file;
- A TPS-related waiver requested on Application for Waiver of Grounds of Inadmissibility (Form I-601); or
- A TPS-related Form I-131.

With respect to confidentiality, USCIS employees must treat these records as they do other TPS supporting documentation in the TPS application package.

USCIS employees may respond to general questions about the TPS program.[45] However, for all case-specific questions relating to Form I-821 applications, USCIS employees must first confirm the identity of the person and his or her eligibility to receive such information.

Offices must not take or respond to inquiries about the status of a TPS application made by telephone, fax, or email because it is not possible to sufficiently verify the identity of the inquirer. Offices may accept written status requests signed by the applicant (or the applicant's attorney or representative with a properly completed Form G-28 on file).

3. Exceptions for Disclosure

Information about TPS applications and information contained in supporting documentation can be disclosed to third parties in two instances:

- When it is mandated by a court order; or

- With the written consent of the applicant.

Information about TPS cases can be disclosed to officers of DOJ, DHS, or any federal or state law enforcement agency since they are not considered third parties.[46] Information disclosed under the requirements of the TPS confidentiality regulation may be used for immigration enforcement or in any criminal proceeding.

H. Legalization

1. Confidentiality Provisions

Statutory and regulatory provisions require confidentiality in legalization cases and Legal Immigration Family Equity (LIFE) Act legalization cases, prohibiting the publishing of any information that may be identified with a legalization applicant.[47] The laws also do not permit anyone other than sworn officers and employees of DHS and DOJ to examine individual applications.

Information contained in the legalization application can only be used in the following circumstances:

- To make a determination on the legalization application;
- For criminal prosecution of false statements violations;[48] or
- In preparation of certain reports to Congress.

A breach in confidentiality of legalization cases can result in a $10,000 fine.[49]

2. USCIS Assistance

Case-specific information may be provided to the applicant and the applicant's attorney or authorized representative (with a properly completed Form G-28 on file) after the inquirer's identity has been verified. No others are authorized to receive legalization information unless one of the enumerated exceptions to disclosure noted below applies.

3. Exceptions for Disclosure

USCIS is permitted to disclose information pertaining to legalization cases in certain, limited circumstances. These circumstances include:

Law Enforcement Purposes

USCIS is required to disclose information to a law enforcement entity in connection with a criminal investigation or prosecution, when that information is requested in writing.

Requested by an Official Coroner

USCIS is also required to disclose information to an official coroner for purposes of affirmatively identifying a deceased person (whether or not the person died as a result of a crime).

Statistical Information

Disclosure of data and statistical information may be made in the manner and circumstances permitted by law.[50]

Available from Another Source

USCIS may disclose information furnished by an applicant in the legalization application, or any other information derived from the application, provided that it is available from another source (for example, another application or if the information is publicly available).

I. Special Agricultural Workers

1. Confidentiality Provisions

Material in A-files filed pursuant to the Special Agricultural Workers (SAW) program is protected by strict confidentiality provisions.[51] The statute provides that the employee who knowingly uses, publishes, or permits information to be examined in violation of the confidentiality provisions may be fined not more than $10,000.[52]

In general, USCIS may not use information furnished by the SAW applicant for any purpose other than to make a determination on the application, for termination of temporary residence, or for enforcement actions relating to false statements in applications.[53] The applicant may not waive the confidentiality provisions, which even survive the death of the applicant.

2. USCIS Assistance

In general, it is permissible for USCIS employees to disclose only that an applicant has applied for SAW and the outcome of the adjudication. Case information may be provided to the applicant and the applicant's attorney or authorized representative (with a properly completed Form G-28 on file) after the inquirer's identity has been verified. No other parties are authorized to receive SAW information, unless one of the enumerated exceptions to disclosure noted below applies.

3. Exceptions for Disclosure

It is appropriate for DHS and DOJ employees to have access to SAW material. The materials are subject to the above-mentioned penalties for unlawful use, publication, or release. USCIS is permitted to disclose information pertaining to SAW cases in certain, limited circumstances. These circumstances include:

Law Enforcement Purposes

USCIS is required to disclose information to a law enforcement entity in connection with a criminal investigation or prosecution, when that information is requested in writing.

Requested by an Official Coroner

USCIS is also required to disclose information to an official coroner for purposes of affirmatively identifying a deceased person (whether or not the person died as a result of a crime).

Criminal Convictions

Information concerning whether the SAW applicant has at any time been convicted of a crime may be used or released for immigration enforcement or law enforcement purposes.

J. S Nonimmigrant Visa Category

Nonimmigrants under the S visa category are alien witnesses or informants. An S nonimmigrant is not readily identified in USCIS systems. However, if a USCIS employee discovers that an inquiry is from an S nonimmigrant or from someone who has applied for such status, the case must be handled carefully.

Inquiries regarding the following should come from a law enforcement entity:[54]

- An Interagency Alien Witness and Informant Record (Form I-854A);
- An Interagency Alien Witness and Informant Adjustment of Status (Form I-854B); and
- Form I-765 filed on the basis of being a principal nonimmigrant witness or informant in S classification.

If USCIS receives an inquiry regarding the status of a Form I-854 or a Form I-765 filed as an S nonimmigrant, the USCIS employee must neither confirm nor deny the existence of such applications and should inform the person that inquiries on these applications must be submitted through appropriate law enforcement channels.

Under no circumstances may USCIS employees ask questions about the S nonimmigrant's role in cooperating with law enforcement, the type of criminal activity for which the nonimmigrant is an informant or witness, or any specific information about the case in which the S nonimmigrant may be involved.

K. Witness Security Program

1. Program Participants

Participation in the Witness Security Program (commonly known as the Witness Protection Program) is not reflected in USCIS systems. Applicants in the Witness Security Program should not tell anyone, including USCIS employees, that they are participants in the program. A separate immigration file is created for a new identity of a participant in the program, and information from before and after the change in identity must be in separate files. However, one file will have documentation of a legal name change.

2. USCIS Assistance

If an applicant indicates that he or she is in the Witness Security Program, the applicant should be referred to the U.S. Marshals Service.[55] Also, under no circumstances should USCIS employees ask questions about why or how the applicant was placed in the Witness Security Program or any specific information about the case which resulted in the applicant being placed in the Witness Security Program.

Footnotes

[^ 1] See Privacy Act of 1974, Pub. L. 93-579 (PDF), 88 Stat. 1896 (December 31, 1974) (codified at 5 U.S.C. 552a).

[^ 2] See DHS Privacy Policy Guidance Memorandum (PDF), issued April 25, 2017.

[^ 3] See Privacy Incident Handling Guidance (PDF), DHS Instruction Guide 047-01-008, issued December 4, 2017.

[^ 4] See Privacy Incident Handling Guidance (PDF), DHS Instruction Guide 047-01-008, issued December 4, 2017.

[^ 5] The enhanced privacy protections and other confidentiality protections associated with certain applications and petitions mean that merely acknowledging the existence of a pending petition or application could violate statutory and regulatory requirements. As a result, when responding to inquiries about these types of cases, including Violence Against Women Act (VAWA), T, U, and asylum cases, USCIS employees should follow the policies in place for those specific benefits. For more information, see Section E, VAWA, T, and U Cases [1 USCIS-PM A.7(E)] through Section K, Witness Security Program [1 USCIS-PM A.7(K)].

[^ 6] A case's status generally refers to its current posture in the adjudication process, which is dictated by the last action taken. For example, a case could be pending background checks, with an officer, awaiting response to a Request for Evidence, or with a decision issued on a given date.

[^ 7] See the How to Change Your Address webpage.

[^ 8] See Section E, VAWA, T, and U Cases [1 USCIS-PM A.7(E)].

[^ 9] See The DHS Policy for Internal Information Exchange and Sharing.

[^ 10] For requests from federal, state, or local government agency representatives who want to review or want copies of documents from an A-file, USCIS employees should refer to USCIS records procedures regarding outside agency requests for USCIS files.

[^ 11] See Violence Against Women and Department of Justice Reauthorization Act of 2005, Pub. L. 109-162 (PDF) (January 5, 2006). When VAWA was reauthorized in 2005, Congress added the definition "VAWA self-petitioner" at INA 101(a)(51), which includes persons requesting relief as: a VAWA self-petitioner under INA 204(a); an abused conditional permanent resident spouse or child filing a waiver based on battery or extreme cruelty under INA 216(c)(4)(C) or INA 216(c)(4)(D); an abused spouse or child under the Cuban Adjustment Act, Pub. L. 89-732 (PDF) (November 2, 1966); an abused spouse or child under the Haitian Refugee Immigrant Fairness Act, Division A, Section 902 of Pub. L. 105-277 (PDF), 112 Stat. 2681, 2681-538 (October 21, 1998); and an abused spouse or child under the Nicaraguan Adjustment and Central American Relief Act, Title II of Pub. L. 105-100 (PDF), 111 Stat. 2160, 2193 (November 19, 1997). Applicants for special rule cancellation of removal under INA 240A(b)(2) are also protected under 8 U.S.C. 1367.

[^ 12] See Victims of Trafficking and Violence Protection Act of 2000, Pub. L. 106-386 (PDF) (October 28, 2000). T nonimmigrant status is available for victims of a severe form of human trafficking and U nonimmigrant status is designated for victims of qualifying criminal activities.

[^ 13] See Eligibility for Employment Authorization for Battered Spouses of Certain Nonimmigrants, PM-602-0130, issued March 8, 2016. Abused spouses of certain nonimmigrants may apply for employment authorization by filing an Application for Employment Authorization for Abused Nonimmigrant Spouse (Form I-765V).

[^ 14] See 8 U.S.C. 1367(a)(2).

[^ 15] See Pub. L. 104-208 (PDF), 110 Stat. 3009-546, 3009-652 (September 30, 1996).

[^ 16] See INA 101(a)(3) ("The term 'alien' means any person not a citizen or national of the United States.").

[^ 17] See 8 U.S.C. 1367(a)(2) and 8 U.S.C. 1367(b).

[^ 18] See Implementation of Section 1367 Information Provisions (PDF), DHS Instruction 002-02-001, Revision 00.1, issued November 7, 2013.

[^ 19] See 13 U.S.C. 8.

[^ 20] See 8 U.S.C. 1641(c).

[^ 21] This applies to application for relief under 8 U.S.C. 1367(a)(2).

[^ 22] See INA 101(i)(1).

[^ 23] See Implementation of Section 1367 Information Provisions (PDF), DHS Instruction 002-02-001, Revision 00.1, issued November 7, 2013 for more information.

[^ 24] The term "authorized parties" includes employees of DHS, DOS, and DOJ for legitimate agency purposes. It also includes an attorney or accredited representative who has properly filed a Notice of Entry of Appearance as Attorney or Accredited Representative (Form G-28) on behalf of a protected person and who remains in good standing or is not otherwise ineligible to represent persons with matters before USCIS, as well as the protected person themselves.

[^ 25] See Petition for Amerasian, Widow(er), or Special Immigrant (Form I-360). See Petition for U Nonimmigrant Status (Form I-918). See Application for T Nonimmigrant Status (Form I-914). See Application for Employment Authorization for Abused Nonimmigrant Spouse (Form I-765V).

[^ 26] For information on how to register an address change with USCIS, see the How to Change Your Address webpage.

[^ 27] However, officers may only disclose information from the previously-filed victim-based form in compliance with the confidentiality provisions of 8 U.S.C. 1367(a)(2).

[^ 28] See Implementation of Section 1367 Information Provisions (PDF), DHS Instruction 002-02-001, Revision 00.1, issued November 7, 2013 for more information.

[^ 29] Attorneys or accredited representatives can change their mailing address with USCIS by either submitting a new Form G-28 for every pending case (with the receipt number) or submitting a letter on office stationery that clearly states: "ATTORNEY CHANGE OF ADDRESS." The letter must include a list of pending cases with the form type, receipt number, A-number, and the benefit requestor's name listed for each case. A change of address for the attorney or accredited representative also changes the benefit requestor's safe address if the attorney or accredited representative's address is listed as the safe mailing address or preferred mailing address on the form. See the Filing Your Form G-28 webpage for additional information.

[^ 30] Prior editions of the Form G-28 may not include an option for sending certain notices or secure identity documents to an attorney or accredited representative. Officers should review the Form G-28 associated with the underlying form to determine which options were checked, if any.

[^ 31] As described above, 8 U.S.C. 1367(a)(2) protections apply when a person files a VAWA, T, or U benefit request.

[^ 32] This exception is in recognition of long-standing safe address procedures in place at the service centers with jurisdiction over adjudication of victim-based-forms. As described above, victim-based-forms are the forms that initiate 1367-protections, including the Form I-360, Form I-918, Petition for Qualifying Family Member of a U-1 Nonimmigrant (Form I-929), Form I-914, Form I-765V, Petition to Remove Conditions on Residence (Form I-751), and Form I-485.

[^ 33] This includes forms that may be commonly used by a person filing a VAWA, T, or U benefit requests, including but not limited to Notice of Appeal or Motion (Form I-290B), Application to Extend/Change Nonimmigrant Status (Form I-539), Application for Waiver of Grounds of Inadmissibility (Form I-601), or Form I-765.

[^ 34] This exception is in recognition of long-standing safe address procedures in place at the service centers with jurisdiction over adjudication of victim-based-forms. As described above, victim-based-forms are the forms that initiate 1367-protections, including the Form I-360, Form I-918, Form I-929, Form I-914, Form I-765V, Form I-751, and Form I-485.

[^ 35] This includes forms that may be commonly used by a person filing a VAWA, T, or U benefit requests, including but not limited to Form I-290B, Form I-539, Form I-601, or Form I-765.

[^ 36] Certain form instructions state that if a petitioner or applicant does not provide a safe mailing address, then USCIS may use the address of the preparer of the form. USCIS recognizes that preparers who are not the attorney or accredited representative listed on a Form G-28 may be only engaged in the case for a temporary period of time. In consideration of this factor, and USCIS' acknowledgment that protected persons are best positioned to make decisions about where their correspondence should be directed, USCIS sends notices and secure identity documents to the physical address listed on a form, should an unrepresented petitioner or applicant decide not to complete the safe mailing address or mailing address field on a form. Certain forms may require the completion of the mailing address field. Applicants and petitioners should review form instructions to determine when this field may be required.

[^ 37] See 8 CFR 208.6.

[^ 38] See 8 CFR 208.6.

[^ 39] For more information on changes of address, see Chapter 10, Changes of Address [1 USCIS-PM A.10].

[^ 40] See 8 CFR 208.6. The provisions of 8 CFR 208.6 currently applicable are those of the regulation as it existed prior to changes made by the rule titled Procedures for Asylum and Withholding of Removal; Credible Fear and Reasonable Fear Review, 85 FR 80274 (PDF) (Dec. 11, 2020) (final rule amending 8 CFR parts 208, 235, 1003, 1208, 1235, also called the "Global Asylum Rule"). The Global Asylum Rule, which made significant changes to 8 CFR 208.6, was to go into effect on January 11, 2021. However, it was enjoined on January 8, 2021, in *Pangea Legal Services v. Department of Homeland Security*, 512 F. Supp. 3d 966 (N.D. Cal. 2021) (order granting preliminary injunction). The previous version of 8 CFR 208.6 remains in effect and can be viewed on the USCIS Fact Sheet: Federal Regulation Protecting the Confidentiality of Asylum Applicants (PDF, 383.8 KB).

[^ 41] See 8 CFR 208.6, which is applied to refugees by policy.

[^ 42] Examples of general inquiries include: who can apply for asylum or refugee status, how to apply for asylum or access the USRAP, bars to protection, whether applicants are eligible for work authorization, and

asylum interview scheduling priorities.

[^ 43] See INA 244(c)(6). See 8 CFR 244.16.

[^ 44] See 8 CFR 244.16 for exceptions.

[^ 45] Examples of general inquiries include: Who can apply for TPS, how to apply for TPS, bars to TPS, whether applicants are eligible for work authorization, and the number of days it normally takes to adjudicate an application for TPS.

[^ 46] See 8 CFR 244.16.

[^ 47] See INA 245A(c)(4)-(5). See 8 CFR 245a.2(t), 8 CFR 245a.3(n), and 8 CFR 245a.21.

[^ 48] See INA 245A(c)(6).

[^ 49] See INA 245A(c)(5)(E).

[^ 50] See 13 U.S.C. 8.

[^ 51] See INA 210. This pertains to the 1987-1988 SAW program.

[^ 52] See INA 210(b)(6)(D).

[^ 53] See INA 210(b)(7).

[^ 54] See 8 CFR 274a.12(c)(21).

[^ 55] Officers can find information on how to contact their local U.S. Marshals Service office (if they are in the United States) on the U.S. Marshals Service website. Officers should advise applicants to consult with the U.S. Marshals Service on how to handle the disclosure of their participation in the Witness Protection Program.

Current as of December 12, 2025