



Chief, Regulatory Coordination Division
Office of Policy and Strategy
DHS, USCIS
20 Massachusetts Avenue NW
Washington, DC 20529-2140

July 30, 2018

Re: OMB Control Number 1615-0069
Agency: USCIS/DHS
Docket ID USCIS-2006-0042

The International Refugee Assistance Project (IRAP) at the Urban Justice Center, a nonprofit refugee and immigration legal services provider operating since 2008, welcomes the opportunity to provide recommendations on Form I-602 to the U.S. Citizenship and Immigration Services.

The International Refugee Assistance Project

The International Refugee Assistance Project organizes law students and lawyers to represent refugees and displaced persons who are fleeing persecution. Mobilizing direct legal aid and systemic policy advocacy, IRAP serves the world's most persecuted individuals and empowers the next generation of human rights leaders.

IRAP is the first organization to provide free comprehensive legal representation to refugees throughout the registration, protection, and resettlement processes. IRAP has successfully assisted more than 3,000 refugees in life-or-death situations, including Iraqis and Afghans at risk for their work with the U.S. military, children with medical emergencies, women who are survivors of domestic and sexual violence, religious and ethnic minorities, LGBTI individuals, and survivors of torture. IRAP is currently working on more than 500 cases. In addition to a New York-based headquarters, we have offices in Jordan and Lebanon, where our field staff conducts outreach to the most vulnerable refugees.

IRAP's Recommendations to USCIS on the I-602 Form

The Federal Register Notice requests comments on Form I-602, including comments that would “[m]inimize the burden of the collection of information on those who are to respond” and “[e]valuate the accuracy of the agency’s estimate of the burden of the proposed collection of

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information, including the validity of the methodology and assumptions used.” IRAP writes to respond to these two requests.

First, the I-602 form imposes an unnecessary burden on refugees filling out the form by requiring the refugee to answer the question “I am inadmissible because:”. **This question should be removed from the I-602 form.** The Notice of Ineligibility (NOI) lists the specific legal grounds that apply to a refugee, which would allow a refugee to answer the first question of Part 2 of Form I-602. However, the next question asks a refugee to provide specific reasons why they are inadmissible. The NOI does not provide this information; refugees have not been told and often will not know the factual basis used to deem them inadmissible. For instance, refugees may have been rejected on criminal inadmissibility grounds, but may have only false, persecutory arrests and no conviction.

Further, USCIS, as the adjudicator who issued the rejection notice, will have far more detail available about the inadmissibility grounds that it has determined to apply to a refugee than the refugee, who is given only a basic form with checkboxes.

Refugee should be given specific reasons and factual findings for the inadmissibility grounds in the NOI. Failing that, refugees should not be left to guess as to what facts were used to support a finding of inadmissibility. Until detailed reasons for inadmissibility are listed on the NOI, refugees should not be asked to explain—and often guess at—the basis for inadmissibility—especially since this information is readily available to USCIS RAIO officers already.

Second, USCIS significantly underestimates the time required to complete the I-602 form. USCIS estimates that respondents will require one hour to complete form I-602. In fact, a meaningful response to an I-602 will often require compiling documents, country of origin evidence, and writing a personal statement. Legal representatives and their refugee clients would expect to spend at least 8 hours, and possibly much more, completing the I-602 form and compiling supporting documents. Refugees proceeding pro se also will require much longer than one hour, including researching the reason for inadmissibility listed on the NOI, which is generally listed only by reference to the statutory citation.

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We would be pleased to discuss any of our recommendations further with your office should you have any additional questions or comments.

Thank you for your time and consideration.

Sincerely,

Betsy Fisher

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