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Policy Alert

SUBJECT: Statelessness

Purpose

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance in the [USCIS Policy Manual](#) to address stateless noncitizens present in the United States.

Background

On December 15, 2021, DHS announced its commitment to adopt guidance on determining who may be considered stateless for immigration purposes and enhance protections for stateless noncitizens living in the United States.¹ DHS recognizes that a significant number of stateless noncitizens reside in the United States and may face serious challenges and obstacles because they have no officially recognized nationality. Stateless noncitizens often lack access to basic documentation, such as birth certificates, as well as documentation or evidence of their statelessness, and may have entered the United States while stateless or become stateless after arrival.²

As part of fulfilling these commitments, USCIS is now issuing guidance to further clarify statelessness generally for immigration purposes. Through this Policy Manual guidance, USCIS is establishing a specialized internal process for examining statelessness generally. The internal process preserves officer discretion to determine: (1) whether a specific applicant or beneficiary is stateless; and (2) how statelessness may be relevant to eligibility or the exercise of discretion for purposes of the immigration benefit or action being sought.

Upon an adjudicating officer's request, USCIS will produce reports on statelessness to advise such officers of information pertinent to the benefit request being adjudicated. Officers may use these reports to assist them in making factual determinations regarding statelessness where it is relevant to the underlying immigration application, petition, or request.

By issuing Policy Manual guidance on this topic, USCIS also aims to clarify some of the immigration benefits or requests that stateless individuals may be able to access, as well as the evidence that stateless individuals may provide to assist USCIS in determining whether they should be considered stateless for immigration purposes. Stateless noncitizens may be unaware of their potential eligibility

¹ See DHS News Release, [DHS Announces Commitment to Enhance Protections for Stateless Individuals in the United States](#), issued December 15, 2021.

² See DHS News Release, [DHS Announces Commitment to Enhance Protections for Stateless Individuals in the United States](#), issued December 15, 2021.

for certain immigration benefits or their ability to request consideration for certain other immigration actions, including deferred action and parole in place, or of the potential relevance of statelessness to such requests. As noted in the Policy Manual guidance, the reports on statelessness may be requested at the discretion of a USCIS officer where the officer believes statelessness may be relevant to the adjudication of an immigration benefit or consideration of a request for immigration action, such as deferred action or parole in place.

Further, the new internal process articulated in the Policy Manual better facilitates USCIS' ability to gather more comprehensive data on the number of stateless noncitizens residing in the United States to better understand barriers they may face in obtaining immigration relief or benefits. This information allows USCIS to better assist this vulnerable population.

This guidance, contained in Volume 3 of the Policy Manual, is effective October 30, 2023, and applies to applications, petitions, or requests pending on or filed on or after that date. The guidance contained in the Policy Manual is controlling and supersedes any related prior guidance.

Policy Highlights

- Clarifies what statelessness is generally for USCIS immigration purposes.
- Explains the relevance of a determination that a noncitizen may be considered stateless for immigration purposes to various immigration benefit requests or requests for action.
- Clarifies the circumstances under which an adjudicating officer may request a report on statelessness through the specialized internal process.
- Explains how USCIS may analyze available documentation and other evidence for purposes of producing reports, which may be used by officers adjudicating immigration benefit requests or requests for action.
- Describes examples of documentation and other evidence a noncitizen may provide USCIS to support their claim of statelessness.
- Provides examples of situations where an officer may request an updated report on statelessness.

Summary of Changes

Affected Section: Volume 3, Humanitarian Protection and Parole

- Adds new Part K (Statelessness).

USCIS may also make other minor technical, stylistic, and conforming changes consistent with this update.

Citation

Volume 3: Humanitarian Protection and Parole, Part K, Statelessness [[3 USCIS-PM K](#)].

Additional Considerations

USCIS considered possible reliance and retroactivity interests with the issuance of this policy and applying it to pending applications, petitions, or requests. Nationality, or the fact that a noncitizen has no nationality, is relevant to all immigration benefits or actions, and has been a factor considered across a variety of applications, petitions, or requests. While individual directorates had some guidance on assessing statelessness, prior to the issuance of this policy, USCIS did not have agency-wide statelessness guidance. This policy utilizes existing agency expertise to foster greater consistency, accuracy, and efficiency. Accordingly, USCIS does not believe this policy adversely impacts reliance or retroactivity interests.