



June 12, 2025

PA-2025-09

Policy Alert

SUBJECT: Derogatory Information Unknown to the Benefit Requestor

Purpose

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance in the [USCIS Policy Manual](#) to address how and when USCIS may or may not disclose derogatory information before issuing an adverse decision to benefit requestors. This update provides USCIS officers with clear guidance on disclosure procedures and ensures that benefit requestors have the opportunity to rebut derogatory information in an adverse decision.

Background

USCIS administers various immigration benefits to aliens, and reviews eligibility and makes determinations for the benefits sought. In cases where USCIS intends to deny a benefit request under the Immigration and Nationality Act, USCIS provides the benefit requestor with an opportunity to review and rebut derogatory information that the benefit requestor was unaware of and that USCIS intends to rely on in an adverse determination.¹ USCIS has generally provided such opportunity by providing a detailed description of the derogatory information when permissible.

In April 2020, the Ninth Circuit Court of Appeals issued a decision in *Zerezghi v. USCIS*, which caused USCIS to review its method of disclosure and consider situations where USCIS may release copies of source documents containing derogatory information.² However, USCIS may not be able to release source documents or disclose detailed descriptions of all information due to information-sharing limitations, such as classified information, information subject to agreements with agencies that own the information, and information protected by confidentiality and privacy laws. Therefore, USCIS is now updating policy guidance to explain its approach to disclosing derogatory information and promote consistency across operations.

This guidance, contained in Volume 1 of the Policy Manual, is effective immediately and applies to benefit 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.

¹ See [8 CFR 103.2\(b\)\(16\)\(i\)](#).

² See *Zerezghi v. USCIS*, 955 F.3d 802, 810 (9th Cir. 2020). Zerezghi provided that USCIS should provide the petitioner with “specific, rebuttable details” or the “underlying document” when USCIS intends to deny a Petition for Alien Relative ([Form I-130](#)) based on derogatory information of which the petitioner is unaware.

Policy Highlights

- Explains that when USCIS intends to make an adverse decision based on derogatory information of which a benefit requestor appears to be unaware, USCIS generally discloses the information in a detailed description, if permissible. If not permissible, such as for some third-agency records and some third-party information, USCIS may elicit the same or substantially similar information from the benefit requestor in response to a request for evidence (RFE) or through interview testimony.
- Explains the prohibitions and limitations that USCIS must follow when disclosing derogatory information.

Summary of Changes

Affected Section: Volume 1 > Part E > Chapter 6 > Section F, Requests for Evidence and Notices of Intent to Deny

- Under Subsection 4 (Notices of Intent to Deny), removes the content under italicized subheading, “Derogatory Information Unknown to the Benefit Requestor” in its entirety.

Affected Section: Volume 1 > Part E > Chapter 6, Evidence

- Adds new Section G, Derogatory Information

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

Citation

Volume 1: General Policies and Procedures, Part E, Adjudications, Chapter 6, Evidence [[1 USCIS-PM E.6](#)].