

## How do I write a Request for Review (RFR) for my denied U.S. Refugee Resettlement case?

### Overview

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This guide is for refugees who:

1. Are outside of the United States; **and**
2. Were interviewed for resettlement to the United States by USCIS (“the jury interview”); **and**
3. Were denied for resettlement to the United States after the USCIS interview (“the jury interview”); **and**
4. Want to submit a ‘Request for Review’ (RFR) to appeal the decision.

This guide is not for refugees who were:

1. Denied by the UNHCR; **or**
2. Denied for resettlement to countries other than the United States; **or**
3. Are in the United States.





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Generally, only one RFR will be accepted, so write your RFR carefully. You must submit an RFR within 90 days of receiving your denial letter. Even if you miss the deadline, you can still submit an RFR with an explanation why your RFR is late, but USCIS may decide to deny the RFR because it was not received within 90 days.

## **STEP ONE: Reflect on your interview experience**

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The first thing you should do is ask yourself the following questions in order to understand what might have been the cause for your denial. This can help you determine what the focus of your RFR letter should be.

- What issues did the interviewer focus on?
- Did the interviewer focus on any particular part of your story?
- Did the interviewer ask the same question multiple times?
- Did the interviewer raise particular issues or concerns about your case?
- Did you understand what information the officer wanted from you?
- Were there any misunderstandings during the interview?
- Did the interviewer understand what you were saying?
- Was there a translator?
- Did you feel comfortable with the translator?
- Were you aware of any problems with the translator or the translation?
- Did the interview stop at any point? If so, what happened immediately before the interview stopped?
- Did the interviewer temporarily leave the room? If so, what happened immediately before the interviewer left room?
- How long was the interview? Did it seem too short or too long?
- Do you feel that you told your entire story? Did the interviewer stop you from telling your whole story? What parts of your story did you not tell the interviewer?
- Did the mood of the interviewer change at any point? If so, what happened immediately before the interviewer's mood changed?
- What do you think went wrong?

## **STEP TWO: Review your denial letter**

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A denial letter is called a Notice of Ineligibility (NOI). It tells you why you were denied. Your local resettlement support center (IOM, ICMC, CWS, IRC, HIAS) will give you the denial letter in person, by mail, or by e-mail. If you did not get one or if you lost your denial letter, you should contact your local resettlement support center. There are seven possible boxes that could be checked on your denial letter. Find the box or boxes that were checked on your letter, and see what they mean below!



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### **My letter says “Special Humanitarian Concern”**

This is a very complicated and rare section. If this box is checked off on your NOI, please email [info@refugeerights.org](mailto:info@refugeerights.org)

### **My letter says “Refugee Claim”**

The officer decided that you do not meet the definition of a refugee. There are two other boxes: a) “Persecution” and b) “Protected Characteristic.” One or both of the boxes may be checked to explain why the officer thinks you do not meet the definition of a refugee

If the first box, “*Persecution*” is checked, the officer thought that you did not prove that you were persecuted in the past or that you have a reasonable fear of persecution in the future. Persecution must be some type of serious harm, either physical, such as assault or death threats, or non-physical, such as not being allowed to practice your religion. Your fear can be shown as reasonable based on specific things that have happened to you, or things that have happened to others in similar situations in your country.

If the second box, “*Protected Characteristic*” is checked, the officer thought that you did not prove that you were or would be persecuted because of your race, religion, nationality, membership in a particular social group, or political opinion.

In the United States, a person may qualify for refugee status only if they have been persecuted or fear future persecution because of their race, religion, nationality, membership in a particular social group, or political opinion. In many instances, these people have to already be outside their home country.

Here are some examples of people who could meet the legal definition of a ‘refugee’:

- Ahmad is a Sunni man from Baghdad, Iraq. He began receiving threats from Shiite militias in early 2004 with the rise of sectarianism and civil strife after the U.S. invasion. His convenience store was set on fire in June 2005 and his brother was kidnapped in August 2005. In September, he received a phone call from someone claiming to be a member of a Shiite militia and accusing him of apostasy and collaborating with the American army. Ahmad moved his wife and two children to Basra to live with his in-laws. In January 2006, he learned that his kidnapped brother was beheaded, and he fled to Jordan.
- Haitham is an Egyptian man who was born into a Muslim family but converted to Christianity when he was 22 years old. He would go to church services in Cairo every once in a while, but stopped when the neighbors started becoming suspicious. He continued practicing his faith privately while pretending outwardly to be a Muslim. He started having a romantic relationship with a Christian woman, Maria, but they could not get married because of the religious complications. One day, a man walked up to him and told him that if he did not fix his ways, he would be killed. Haitham and Maria fled to Turkey.
- Sumaya is a Syrian woman from Dara’a in southern Syria. In April 2015, her neighborhood was bombed and several of her close family members were killed, including her husband

and two sons. Sumaya and her surviving six-year-old daughter decided to flee to Lebanon to join her brother who was living in a camp there. On the way, the pair ran into armed men who beat and raped them after accusing them of being regime supporters. They then forced them to go back to Dara'a but Sumaya managed to cross into Jordan.

Here are some examples of people who may not meet the legal definition of a 'refugee':

- Ahmad is a Shiite man from Baghdad, Iraq. He went to Turkey for work in 1998 and then decided not to return to Iraq after the U.S. invasion. Ahmed isn't afraid of going back to Iraq. However, he has recently lost his Turkish work permit and wants to go to Europe where he can get a job.
- Murad is a Sudanese man who travelled to Jordan on a medical visa. He has not been affected by the conflict in Darfur. He doesn't want to go back to Sudan because the economy is bad. He would like to continue his treatment in America.

### **My letter says "Persecution of Others"**

The officer decided that you might have persecuted or contributed to the persecution of other people. For example, if you guarded a prison where people were tortured or drove prisoners to the prison, you may have contributed to the persecution of others. Ask yourself these questions:

- Did you say that you were in the military?
- How did you describe your military service?
- Did you say you were involved with any organizations?
- What kinds of activities did you say you did with those organizations?

### **My letter says "Firm Resettlement"**

The officer decided that you are firmly resettled in a country other than your home country. Ask yourself these questions:

- Where did you live after fleeing your home country?
- Did you receive an offer of permanent residence in any of those countries?
- If you did, how did you describe your life while living in those countries?

### **My letter says "Admissibility"**

**Part 1:** This part is a handwritten line that may say one of the following examples:

- INA § 212 (a)(6)(C) - material misrepresentation. This means knowingly hiding or fabricating an important fact.
- INA § 212 (a)(2)(A)(i)(I) - crime involving moral turpitude. This means being previously convicted of or admitting to certain crimes or behaviors.
- INA § 212 (a)(3)(B) - providing material support for terrorism. This means participating or supporting terrorist activity, sometimes even indirectly or in a small way, like providing food for or paying taxes to any member of a terrorist organization. Almost any group that uses unlawful force or violence could potentially be considered a terrorist organization.



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If you were denied for INA § 212 (a)(3)(B) specifically, ask yourself these questions:

- Did you talk about providing money to any individuals or organizations?
- Did you talk about providing food, shelter, assistance, or anything beneficial to any individuals or people in an organization?
- Did you talk about your support for any organizations?
- Did you talk about convincing others to join any organization?
- Did you talk about being part of or spending time with any particular groups, even if you did not have a choice to spend time with those groups?

**Part 2:** This part will say if you can apply for a waiver. If you cannot obtain legal assistance, your local resettlement support center (ex. IOM or ICMC) can help you fill out a waiver application. You do not have a right to a waiver automatically, so you must show that a waiver is appropriate for humanitarian reasons, because of family unity concerns, or because of the public interest. If you apply for a waiver through your resettlement support center, you should make sure to mention and bring any evidence of particular hardships you face in the country where you live, relationships with family in the United States or scheduled to be resettled to the United States, and any affiliation with the United States, such as employment by the U.S. government. For some types of inadmissibility, no waiver is available. The only way to overcome a denial would be a successful RFR. If you were denied on inadmissibility *and* another ground, you will not be allowed to apply for a waiver of inadmissibility unless your RFR is successful.

### My letter says “Credibility”

The officer did not believe some of your claims. The letter also states that the officer discussed the concerns with you in the interview and that you did not provide a reasonable explanation. There should be two additional lists with additional boxes checked.

**List 1:** These boxes will indicate the topic that you were found non-credible on. These issues are the same five issues discussed above (special humanitarian concern, refugee claim, persecution of others, firm resettlement, admissibility) and “other.”

**List 2:** These boxes will indicate the reason why the officer felt like you weren’t being truthful. There are five potential reasons:

- You made inconsistent statements during the interview.
- Statements you made during the interview were inconsistent with other evidence (ex. a news article, public report, etc.).
- Your answers to important questions were not detailed enough.
- Your testimony was not ‘plausible’ to the officer, based on what they know from public information about the situation in your country.
- Other



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Ask yourself these questions:

- Remember your USCIS interview. Did you discuss any topics in your interview in a different way than you did in past interviews?
- Did the interviewer make you repeat any part of your story?
- Are you a survivor of trauma? Do you have difficulties remembering specifics of your story, or remembering them consistently? Are you receiving psychological treatment? Did you mention this to the officer?

### **My letter says “Other Reasons”**

You were denied due to a security-related issue. The issue may not have been discussed in your interview and may only have been identified during later U.S. government security checks. It is very rare for this type of denial to be reversed. Your RFR should provide support to demonstrate that you are not a security threat to the United States.

## **STEP THREE: Make your case**

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Your RFR letter must challenge the reason for your denial by: (1) explaining in detail that the officer made a significant error that led to the denial **and/or** (2) providing new evidence that could change the denial. If the RFR does not do so, it will likely be denied.

### **What kind of significant error would reopen my USRAP case?**

You must show that the USCIS officer made an error that you think might have led to the denial. To decide if this happened, ask yourself:

1. Did the officer allow you to explain the most important parts of your story?
2. Were there parts of your story the officer did not ask you about?
3. Did the officer allow you to explain the supporting evidence that you brought?
4. If you were unable to include supporting evidence, did the officer ask you to explain why you could not include the supporting evidence?
5. If the officer believed there were inconsistencies in your story, did the officer ask you to explain the inconsistencies?

Here are some common examples of significant errors. This is not a complete list. Be creative, but always tell the truth:

- The officer did not ask about important facts about your refugee claim.  
*Example: In her refugee interview, Samira said that she had been arrested, but did not explain that she was arrested by mistake. The officer did not ask her about the arrest and then denied her refugee application because of the arrest.*
- You were not able to provide some supporting evidence in your interview and the officer did not ask about why the evidence was not included.  
*Example: In his refugee interview, Malik said that his family forced him to leave the house because of his religious beliefs. Malik did not include any proof*

*that he had been forced to leave his home in his refugee interview because the proof was with his friend in his home country. The interviewer did not give Malik a chance to explain why he did not include the proof.*

- The officer did not allow you to explain inconsistencies in your story.

## What kind of new evidence would reopen my USRAP case?

You must have new information that supports the claims you made in your first interview. This new information can be evidence that you had during your refugee interview but that you did not bring **and/or** evidence that you collected after your refugee interview. The new evidence *must* relate to the reason of your denial. For example, if you were denied because you committed a serious crime in the past, new evidence showing that you fear persecution will not likely address the reason for the denial.

## STEP FOUR: Gather supporting documents

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### How do I know what documents to include?

To decide what evidence might be helpful to your RFR, ask yourself these questions:

- Do you have any documents that you did not submit during your original interview?
- Are there any documents related to your refugee claim that a family member, friend or neighbor in your home country can send to you (for example, letters, personal papers, ID cards, etc.)?
- Are there any documents related to your claim that you can request from any organization (for example, medical records from a hospital or from your doctor, a police report from your local police station, a copy of your diploma from your school)?
- Are there any stories from newspapers, magazines or the internet that support your claim that can either be sent to you by a friend in your home country or that you can find online (for example, a newspaper story about dangers in your region, pictures from the internet about an attack in your town)?
- If you lost or destroyed any important documents (for example, your military ID card or a threatening letter), do you know someone who saw the document and would write a letter describing what they saw?
- If you do not have any record of something that happened to you that is important to your claim (for example, you were beaten, threatened, or in hiding), do you know someone who saw what happened to you and would write a letter describing what they saw?
- If you believe the reason for your denial was because you did not prove that a family relationship was valid, and you want to submit DNA evidence with your RFR, you should contact your local resettlement support center about the required procedures to ensure the evidence is accepted.



### What kind of documents can I include?

Here are some common types of evidence to include in your RFR. This is not a complete list. Be creative, but always tell the truth.

- **Declarations:** A declaration is a written statement containing facts that a person declares are true. A friend or family member can write and sign a declaration to support your RFR. Their declaration should describe what they know or what they saw. You can also write a declaration that explains why your application was wrongly denied and submit it along with your RFR letter. Your declaration should also explain any significant error, include new evidence, or both. You **must** sign your declaration. Include as much detail as possible.
- **Official Documents:** You may collect birth certificates, death certificates, medical records, military service booklets, a letter from your employer if you were employed by an international NGO or company, or police reports. **Never use fake or fraudulent documents in your RFR.**
- **Other Supporting Evidence:** In addition to official documents, other evidence can support your RFR. Think creatively. For example, photos, blogs or social media posts, text messages, e-mails, threatening letters, or newspaper stories from your home country or country of refuge may be helpful.

### What should I say about these documents?

For any new evidence you did not bring to your original refugee interview, you must explain why you did not provide it. For example, you may have had evidence with you at your interview, but you did not understand that the officer was asking for it and you did not show it to him.

### I cannot get any documents.

If you cannot get important evidence that you know exists, you must explain why you cannot get the evidence. For example, if you threw away a threatening letter that was left at your home, explain why you did not keep the threatening letter in your RFR. Using fake or fraudulent documents could result in an immediate and permanent denial of your RFR. Even if you think a document is very important for your RFR but you cannot get access to it, **do not try to get a fake copy**. Instead, think of other ways to show the information. For example, get a signed letter from a family member or neighbor who can provide the information that you need.

## STEP FIVE: Write the RFR

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### Part 1: Introduction (3-5 sentences)

Write three or five sentences explaining why your RFR should be approved. This section must say how a significant error led to your denial **and/or** why new evidence proves that you should be resettled. If you are submitting the RFR more than 90 days after you received the denial letter, explain why you have a good reason for submitting the RFR late (for example, you did not receive the denial letter, you do not speak or write English, serious health problems, etc.).





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### **Part 2: Your Story (1-5 pages)**

Tell your story. This should include a detailed explanation of why you are seeking resettlement and explain what happened in your interview for resettlement. Tell your story in the order it happened. Do not lie or exaggerate. Telling the truth is important. Any lies or exaggerations can lead to your RFR's denial and the future denial of other immigration applications.

### **Part 3: Refugee Claim (1-2 pages)**

Explain why you meet the definition of "refugee". You must show "past persecution or a well-founded fear of future persecution on account of race, religion, nationality, political opinion, or membership in a particular social group."

### **Part 4: Detailed Explanation of Significant Error and/or New Evidence (1-5 pages)**

**This section should be the main focus of your RFR.** Include a detailed explanation of why your RFR should be granted due to the officer's error and/or new evidence. You should include all new information and/or errors that show why your denial letter should be reversed.

## **STEP SIX: Submitting the RFR**

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To know where to submit your RFR, please see consult the below websites:

- [Request for Review Filing Locations - Europe, Middle East and Africa \(EMEA\) District](#)
- [Request for Review Filing Locations - Asia Pacific \(APAC\) District](#)
- [Request for Review Filing Locations - Latin America, Canada and the Caribbean \(LACC\) District](#)

If the country where you were interviewed does not have filing instructions on these websites, please contact your local RSC (i.e. IOM, ICMC, IRC, HIAS, or CWS).

**We also strongly recommend always confirming with your local RSC on how to correctly submit your RFR *regardless* of your filing location.**

Here are some important things to remember:

- Make sure the RFR is typed in English. Use a trusted translator.
- You must sign the last page of the RFR in black pen.
- Attach declarations, pictures of official documentation, and supporting evidence at the end. Make sure to include the English translations as well.

## **What happens next?**

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Responses to RFRs often take at least three to six months to receive. If after three months you have not received a response about your RFR, you should follow up with your local resettlement support center. You can follow up monthly to check on the status of your RFR.



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You should receive a written decision regarding the RFR through your resettlement support center or from USCIS directly. If your address changes after you submitted your RFR, you should let your resettlement support center know. You may be accepted as a refugee, you may be asked to do another interview, or your refugee application may remain denied.

In some cases, you may need to submit additional evidence before a final decision is made. If you need to submit additional evidence, you will receive a letter asking for more evidence.

If your RFR is denied, your case is considered closed and USCIS will take no further action. While second RFRs are not permitted, in rare situations an individual can file another RFR and request that USCIS review it. This option is not likely to succeed unless you have significant new evidence.