



EXECUTIVE DIRECTOR

Eric Cohen

San Francisco

Washington, D.C.

San Antonio

Houston

ilrc@ilrc.org

www.ilrc.org



July 7, 2025

Peggy Gleason  
Senior Staff Attorney  
Immigrant Legal Resource Center  
San Francisco, CA

Submitted online to Policy [Feedback@uscis.dhs.gov](mailto:Feedback@uscis.dhs.gov)  
U.S. Citizenship and Immigration Services

Re: Comment to Policy Manual Changes: Removal of statelessness guidance: 3 USCIS-PM K,  
June 5, 2025—Announced at <https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20250605-StatelessnessRescission.pdf>.

Dear USCIS,

The Immigrant Legal Resource Center (ILRC) submits the following in response to the June 5, 2025, removal of guidance in the USCIS Policy Manual (PM) concerning statelessness.

The ILRC is a national non-profit organization that provides legal trainings, educational materials, and advocacy to advance immigrant rights. The ILRC's mission is to work with and educate immigrants, community organizations, and the legal sector to continue to build a democratic society that values diversity and the rights of all people. Since its inception in 1979, the ILRC has provided technical assistance on hundreds of thousands of immigration law issues, trained thousands of advocates, and pro bono attorneys annually on immigration law, distributed thousands of practitioner guides, provided expertise to immigrant-led advocacy efforts across the country, and supported hundreds of immigration legal non-profit organizations in building their capacity.

The ILRC publishes advisories and manuals for legal practitioners in many areas of family and humanitarian immigration law. The ILRC has expertise in several areas of immigration law where stateless individuals are impacted, including asylum, TPS, deferred action, U and T visas, and parole in place.

Through our extensive network with service providers, immigration practitioners and immigration benefits applicants, we have developed a profound understanding of the barriers faced by low-income immigrants of color seeking immigration benefits. The recommendations that follow are gleaned from the experiences of many low-income immigrants who we and our partners serve.

### ILRC Opposes the Removal of Statelessness Guidance

In 2023, we commended USCIS for finally developing guidance on the definition and process for determining statelessness, as well as describing its impact on several types of immigration

benefits applications. This guidance had been lacking for decades, leaving stateless individuals and USCIS adjudicators with a confusing void when faced with immigration benefits issues.

Now USCIS has removed the carefully drafted guidance of 2023 and replaced it with literally nothing to guide adjudicators or individuals who are stateless. The entire chapter of Volume 3, Part K has been removed, and there is no replacement guidance provided as the chapter is now simply “reserved.”

The alert describing the rescission states this motive by USCIS, “By rescinding the 2023 guidance, USCIS removes an unnecessary bureaucratic process for making determinations and recognizes that a determination of statelessness is a finding of fact.” USCIS also states that the guidance is inconsistent with an EO 14161 that requires stateless individuals and refugees to be subjected to extremely elevated layers of scrutiny before being admitted to the U.S.

The removal of guidance ignores the fact that stateless individuals who reside in the United States lack access to basic documentation and are often barred from accessing pathways to lawful status due to their statelessness status through no fault of their own. Individuals become stateless through changes in nationality laws, discrimination, and geopolitical upheavals. The assumptions of USCIS that stateless individuals are dangerous and require heightened scrutiny are not based on any evidence and are simply an exercise in prejudice.

The now rescinded guidance provided a measured, case-by-case way for adjudicators to consider the fact of statelessness when an individual who was stateless applied for a particular benefit, and provided a layer of security by having an internal report by the agency when an adjudicator needed specialized resources to assess a statelessness situation in an application. Now there is nothing for an adjudicator to rely on should they be faced with an applicant for an immigration benefit who is stateless. The change is harmful both for applicants and USCIS adjudicators.

The 2023 guidance provided that statelessness should be a favorable factor in the exercise of discretion in the application for immigration benefits, especially deferred action, parole in place, asylum and refugee status, U and T visas, and TPS. The guidance specified that in these benefits applications, it was appropriate for an adjudicator to request a report on statelessness because it may impact discretion or be useful in determining the identity of an applicant. Since there is no guidance to replace the removed chapter, adjudicators will have no rules to look to and no specialized resources to depend on when faced with an applicant for one of these benefits who is stateless.

In the two years that we had the former USCIS guidance, stateless individuals have acted in reliance on previous USCIS policy, provided extensive personal information, and in some cases terminated immigration proceedings. Without deferred action, those individuals will have no avenue to employment authorization. USCIS has separately removed statelessness from the G-325A form which allowed individuals a means to apply for deferred action, and thereafter for employment authorization.

USCIS has also rescinded guidance that encourages USCIS to identify stateless people and to consider them for discretionary relief on a case-by-case basis. This will leave individuals vulnerable to detention and deportation. This will inflict significant harm on these individuals and their families and is a significant and unnecessary use of public resources.

## **Conclusion**

We believe removing the guidance on statelessness is a punitive and short-sighted decision. This guidance was a critical first step to addressing the legal problems faced by this vulnerable population. We recommend that USCIS reinstate the August 2023 version of Volume 3, Part K of its Policy Manual on statelessness.

Sincerely,  
Peggy Gleason  
Senior Staff Attorney