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Applying Discretion in USCIS Adjudications

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Submitted by Chief Editor on Jul 15th 2020

U.S. Citizenship and Immigration Services today consolidated existing policy guidance in the [USCIS Policy Manual](#) [2] regarding officers' application of discretion in adjudications.

For many immigration benefits, including certain applications for lawful permanent residence and employment authorization, requestors must show that a favorable exercise of discretion is warranted, in addition to showing that they meet all other eligibility requirements. In these cases, officers typically analyze discretion at the end of the review, after they have determined the requestor meets all other applicable eligibility requirements.

The policy guidance:

- Provides an overview and the general goals of the discretionary analysis, including the appropriate scope of discretion;
- Provides non-exhaustive lists of discretionary factors that officers should consider on a case-by-case basis;
- Explains how officers should generally weigh factors in a case and properly document the discretionary determination; and
- Explains that the ultimate decision to exercise discretion depends on the facts and circumstances of each individual case.

For more information, see the [policy guidance](#) [3].

Team Notes:

Agency:

[USCIS](#) [4]

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Links:

[1] <https://immigration.com/news/applying-discretion-uscis-adjudications>

[2] <https://www.uscis.gov/policy-manual>

[3] <https://www.uscis.gov/sites/default/files/policymanual/updates/20200715-Discretion.pdf>

[4] <https://immigration.com/agencies/agency/dhs/uscis>