



Office for Civil Rights and Civil Liberties

Summary of CRCL's Recommendations and USCIS's Response *Disability Modification Requests*

On May 4, 2023, U.S. Citizenship and Immigration Services (USCIS) responded to a *Recommendation Memorandum* issued in December 2022 by the Office for Civil Rights and Civil Liberties (CRCL) about USCIS's handling of disability modification requests from the public. USCIS concurred with one of CRCL's recommendations and non-concurred with two.

Background

In January 2022, CRCL opened a complaint regarding attempts to request a waiver for the biometrics requirement of an extension of status application as a disability modification for the applicant. The complaint alleged an individual with intellectual disabilities sent several disability modification requests through USCIS's online system, by mail, and in a phone call, however, USCIS did not provide any meaningful response to the applicant's multiple requests for a disability modification.

Investigation

CRCL reviewed documents provided by the applicant's representative and spoke with the representative on the phone. CRCL also reviewed documents and written responses provided by USCIS, including records related to the complainant's applications, emails relating to the requests for a modification, and a recording of a phone call between the representative and USCIS. CRCL also reviewed USCIS policies, procedures, and training materials related to disability modification requests. CRCL found that USCIS was aware of the applicant's disability and that her request for a waiver was reasonable. Accordingly, CRCL concluded that USCIS discriminated on the basis of disability in violation of Section 504 of the Rehabilitation Act of 1973, as amended, (Section 504) by failing to engage in an interactive process with the complainant and unreasonably delaying its response to the request for modification. In accordance with federal regulations, CRCL notified the complainant of USCIS's Section 504 violation and issued a remedy requiring USCIS to issue a reminder to staff about the proper procedures for identifying, documenting, and responding to disability modifications related to biometrics appointments.

Recommendations

On December 9, 2022, CRCL sent USCIS a *Recommendation Memorandum* notifying USCIS of the Section 504 violation, and explaining the remedy. In addition, CRCL issued three recommendations pursuant to its 6 USC Section 345 authority regarding USCIS's handling of disability modification requests. On May 4, 2023, USCIS partially concurred with one recommendation and non-concurred with two.

USCIS agreed to take appropriate measures to ensure that it timely captures and responds to all disability modification requests, regardless of how they are submitted by the public. In particular, USCIS provided written guidance about the proper procedures for handling disability modification requests to staff who handle biometric appointments. USCIS did not agree with recommendations related to making modification requests by phone.

CRCL provides the public with documents related to complaint investigations. After it has been prepared and reviewed, CRCL will post a redacted version of this Recommendation Memorandum on our [website](#) that will contain additional information about the complaint investigation and CRCL's findings and recommendations.

August 18, 2023