



June 5, 2025

PA-2025-06

## Policy Alert

SUBJECT: Rescission of the USCIS Statelessness Policy

### Purpose

U.S. Citizenship and Immigration Services (USCIS) is rescinding policy guidance in the [USCIS Policy Manual](#) regarding stateless aliens present in the United States.

### Background

On August 1, 2023, USCIS issued policy guidance in the Policy Manual to address stateless aliens present in the United States.<sup>1</sup> The 2023 guidance created a process for producing reports on statelessness that officers could use in determining statelessness, upon an officer's request. To align with recent Executive Orders (EOs), USCIS is rescinding the 2023 guidance. 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.

EO 14161, Protecting the United States From Foreign Terrorists and Other National Security and Public Safety Threats, requires USCIS to vet and screen to the maximum degree possible all aliens who intend to be admitted, enter, or are already inside the United States. EO 14161 also requires that USCIS "ensure that sufficient safeguards are in place to prevent any refugee or stateless individual from being admitted to the United States without undergoing stringent identification verification beyond that required of any other alien seeking admission or entry to the United States."<sup>2</sup>

The 2023 guidance is inconsistent with recent EOs referenced above. The 2023 guidance predates the EO requirement that stateless aliens seeking entry or admission to the United States undergo stringent identification verification beyond that required of other aliens, as well as the requirement for the maximum screening and vetting of any alien. Furthermore, the guidance was enacted in reference to a DHS commitment to adopting guidance that was explicitly aimed at removing barriers and facilitating work and travel for stateless aliens.<sup>3</sup>

Facilitating travel for stateless aliens is also inconsistent with the current EO requirement that stateless aliens undergo stringent identification verification beyond that required for any other alien seeking admission. The 2023 policy and the DHS commitment on which it was based, are derived

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<sup>1</sup> See [Statelessness](#), PA-2023-21, issued August 1, 2023.

<sup>2</sup> See EO 14161, [90 FR 8451](#) (Jan. 30, 2025).

<sup>3</sup> See DHS News Release, [DHS Announces Commitment to Enhance Protections for Stateless Individuals in the United States](#), issued December 15, 2021.

from language in the now-revoked EO 14012, and EO 14159, Protecting the American People Against Invasion, requires USCIS to rescind the statelessness policy.<sup>4</sup>

The rescission of this guidance does not change whether a finding of statelessness can or should be used as a discretionary factor in an adjudication. Statelessness may be a relevant discretionary factor in a variety of applications, petitions, or requests, and officers retain discretion to consider a benefit requestor's nationality, or lack thereof, along with the totality of facts and circumstances, in approving or denying a benefit request.

Effective immediately, USCIS is rescinding the statelessness guidance contained in the Policy Manual, allowing officers to return to previous operational practices in these cases. The guidance contained in the Policy Manual is controlling and supersedes any related prior guidance.

### **Policy Highlights**

- Rescinds guidance on statelessness, thereby returning to operational practices in place before August 1, 2023; removes added layers for making determinations; and recognizes that a determination of statelessness is a finding of fact.

### **Summary of Changes**

Affected Section: Volume 3, Part K, Statelessness

- Removes all content and reserves Part K.

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

### **Citation**

Volume 3: Humanitarian Protection and Parole, Part K, Statelessness [[3 USCIS-PM K](#)].

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<sup>4</sup> See EO 14159, [90 FR 8443](#) (Jan. 20, 2025), which revoked various prior EOs, including EO 14012, Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans, [86 FR 8277](#) (Fed. 2, 2021). EO 14159 further directed action to promptly revoke all memoranda, guidance, or other policies based on the revoked EOs.