

## **9 FAM APPENDIX O, 1000 CONFIDENTIALITY IN REFUGEE PROCESSING**

*(CT:VISA-867; 03-20-2007)*

*(Office of Origin: CA/VO/L/R)*

- a. Department of State records related to visa and refugee processing are "considered confidential" under INA 222(f). Use of these records is restricted to "the formulation, amendment, administration, or enforcement of immigration, nationality and other laws of the United States." In general, no information regarding specific refugee cases may be released to anyone other than the applicant himself or herself, except as needed by processing organizations or for use by Members of Congress who have need of the information for "the formulation, amendment, administration, or enforcement of immigration, nationality, or other laws of the United States."
- b. Confidentiality in this context refers to its releasability, not its security classification. (See also 9 FAM 40.4 N1, Maintain Confidentiality of Visa Record, Information, or Other Purposes Information.)
- c. United Nations High Commissioner for Refugees (UNHCR) policy requires strict confidentiality regarding refugees and asylum seekers. Refugees referred to the U.S. refugee program by UNHCR have signed a confidentiality release to permit UNHCR to release personal information to resettlement governments and processing agencies.

## **9 FAM APPENDIX O, 1001 GUIDANCE ON RELEASE OF INFORMATION**

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- a. A refugee applicant may make a direct inquiry to the Overseas Processing Entities (OPEs) or consulates processing V-93 cases – orally or in writing – concerning the status of his or her case. If an applicant has a serious impediment such as age, illness, or physical disability that prevents him or her from asking on his or her own behalf, minimal case information may be provided to a third party if the inquirer satisfactorily establishes his bona fides. OPEs and consular officers should exercise common sense and caution in responding to such inquiries and should provide only the

minimum information necessary to respond to the inquiry.

- b. Consular officers and OPEs may respond directly to oral or written inquiries about the status of cases made by Bureau of Population, Refugees, and Migration (PRM), the United Nations High Commissioner for Refugees (UNHCR), and the International Organization for Migration (IOM), the sponsoring voluntary agency in the United States, or any other official entity such as a U.S. Embassy or Department of Homeland Security (DHS) office that requires case information to facilitate processing of the case.
- c. Written (including e-mails) inquiries from Members of Congress or their staffs that do not specifically relate to program access or adjudication decisions by DHS should be answered with only the information necessary to answer the inquiry. Case-specific information in response to telephonic inquiries from Members or their staffs may not be provided. No copies of documents or other items from a case file may be provided. Responses to case status inquiries should include the following statement:

Pursuant to Section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)), the following information is provided in response to your inquiry but shall be considered confidential and shall be used only for the formulation, amendment, administration or enforcement of immigration, nationality, and other laws of the United States.

- d. If the incoming Congressional letter requests that the Embassy respond directly to a constituent or other third party, the consular officer should provide the requested case summary information to the member of Congress unless it relates to program eligibility or adjudication decisions made by DHS. Include the following statement:

Pursuant to Section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)), "The records of the Department of State and of diplomatic and consular offices of the United States pertaining to the issuance or refusal of visas or permits to enter the United States shall be considered confidential and shall be used only for the formulation, amendment, administration, or enforcement of immigration, nationality, and other laws of the United States".

In accordance with law and policies governing the confidentiality of Department of State refugee processing records, we are unable to provide information on specific

refugee cases directly to your constituent. The refugee applicant may obtain information about his or her case by inquiring directly to the processing center handling the case. We appreciate your understanding of the Department's concern to ensure confidentiality in the U.S. Refugee Program.

- e. Written or oral requests for information on a specific refugee application or claim from friends, relatives, or others should be answered only with a statement that the records are confidential and that refugee applicants may inquire directly. Include the following statement:

In accordance with law and policies governing the confidentiality of Department of State refugee processing records, we are unable to provide information on specific refugee cases. Refugee applicants may obtain information about their cases by inquiring directly to the processing center handling the case. We appreciate your understanding of the Department's concern to ensure confidentiality in the U.S. Refugee Program.

General information about the U.S. Refugee Admissions Program may be provided. If the inquirer wishes to provide information, the information may be taken and passed on the appropriate processing center.

- f. Contact the Office of Admissions in the Bureau of Population, Refugees and Migration (PRM/A) for further information on refugee records or templates for response to inquiries.