

Immigration Information

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INSERTS/Adjudicator's Field Manual - Redacted Public Version/Adjudicator's Field Manual - Redacted Public Version (3 of 3), Customer Service./2.8 Providing Courteous, Professional and Knowledgeable Service to Applicants with Disabilities.

2.8 Providing Courteous, Professional and Knowledgeable Service to Applicants with Disabilities

During your career you will interact with applicants who have mental, physical, and/or developmental disabilities. The agency is legally required to provide reasonable accommodations for applicants with disabilities. Even when faced with these legal requirements, however, you should always adjudicate these cases with the utmost care and sensitivity. Remember that people with disabilities want to be treated with the same courtesy and professionalism as anyone else.

This section will first explain the agency's legal obligations to provide reasonable accommodations for applicants and then give some suggestions for interacting with people with disabilities.

(a) Providing Accommodations for People with Disabilities. The following are some commonly asked questions about this important issue.

Q. What accommodations should we provide for people with disabilities?

A. [Section 504](#) of the Rehabilitation Act of 1973 (29 U.S.C. § 794) requires all executive agencies, including USCIS, to provide reasonable accommodations for applicants with mental, physical, and/or developmental disabilities. You should show the utmost sensitivity, courtesy, and respect when adjudicating cases in which an applicant requests an accommodation. [Note: Persons with visual or other physical impairments generally use service animals (e.g., guide dogs). You must allow service animals to enter all USCIS buildings, offices, and interview sites.]

Q. Does this mean that we must provide any and all accommodations?

A. No. USCIS does not have to provide accommodations that would "result in a fundamental alteration in the nature of a program or activity or in undue financial or administrative burdens." [28 CFR § 39.160(d)]

Q. What does it mean to provide an accommodation?

A. USCIS must provide an accommodation if the applicant is able to demonstrate to the adjudicator that the applicant can meet the requirements for the benefit being sought, but with a particular change to the standard in procedure.

Q. Does this mean that we must waive all requirements for the benefit being sought?

A. No. Instituting a policy of "blanket exemptions" would play into the stereotype that persons with disabilities are not able to participate in mainstream activities. Such a policy would be contrary to the provisions of [Section 504](#) of the Rehabilitation Act of 1973.

Q. How does the concept of reasonable accommodations relate to other statutory waivers?

A. Do not confuse reasonable accommodations with other statutory waivers and exemptions that may

available to certain applicants. You must consider the two issues separately. An applicant who qualifies for a statutory waiver may not require a reasonable accommodation in order to complete the interview process vice versa.

Q. What are some examples of the types of accommodations that we should provide?

A. Local offices should be creative in developing accommodations and modifications, including (but not limited to) the following:

- Performing a homebound interview or administering the oath of allegiance at a hospital, nursing facility, or applicant's home.
- Supplying English tests in large print to visually impaired individuals.
- Offering a written test on civics questions for hearing-impaired applicants.
- Allowing applicants with learning disabilities additional time to complete an English/civics test.
- Allowing persons with significant disabilities to respond to questions in a yes-or-no format or through predetermined physical motions or signals that the applicant uses to communicate. Prior to the interview, officers may clarify with family members or legal guardians any physical motions or signals that may be used as answers to questions asked during the interview.
- In certain instances, allowing a family member or legal guardian to attend the interview with a disabled applicant. Interviews are frequently a stressful experience even for applicants *without* disabilities. The presence of a family member or legal guardian for a person with a disability may be even greater. The presence of a family member or legal guardian often has a calming effect for an applicant who is disabled.

(b) Interacting with People with Disabilities. The following suggestions will help you communicate effectively and respectfully with people with disabilities.

(1) In general:

Do:(A) Treat adults as adults. Treat people who have disabilities with the same respect and courtesy that you would afford any other adult.

(B) Wait until the applicant accepts an offer of assistance before providing help. If your offer is not accepted, listen to, or ask for, instructions. Do not be offended if your offer of help is not accepted.

(C) Relax. Your relaxed and professional attitude will speak louder to persons with disabilities than anything else you do.

(2) People with Hearing Impairments:

Do:(A) Speak directly. Speak directly to the applicant, rather than through a companion or sign-language interpreter. Look directly at the applicant, and speak clearly, slowly, and expressively.

(B) Tactfully get the attention of the person. A good way to get the attention of a person with a hearing impairment is to wave your hand.

(C) Accommodate a person who can lip-read. Be sensitive to the applicant's needs by facing the lip-reader and keeping your hands, writing instrument, and papers away from your mouth when speaking.

(D) Reduce unwanted sounds. Try to find a quiet place away from typewriters, telephones, copiers.

Don't: Don't say anything to an interpreter or third party in the room that you wouldn't want the hearing-impaired applicant to understand. This is rude and disrespectful to the person with impairment.

(3) People With Speech Impairments.

Do:(A) Listen. Listen attentively and patiently when an applicant has difficulty talking.

(B) Clarify. If you need to clarify what has been said, rephrase questions that can be answered in format.

Don't:(A) Don't interrupt an applicant who has difficulty talking. Give the applicant a full opportunity to communicate with you.

(B) Don't pretend to understand if you are having trouble doing so. Instead, repeat what you have heard and allow the person to respond. The applicant's response will clue you in and guide your understanding.

(4) People With Visual Impairments.

Do:(A) Verbally identify yourself. When meeting a person who is visually impaired, always verbally identify yourself and others in the room.

(B) Speak in a normal tone. Speak in a normal tone when conversing with someone who is visually impaired.

(C) Identify the person to whom you are speaking. When conversing in a group, remember to identify the person to whom you are speaking.

Don't: Don't pet service animals. If a service animal accompanies an applicant, remember that you are responsible for its master's safety. Don't pet or otherwise distract the animal.

(5) People who use a wheelchair.

Do:(A) Speak directly to the applicant. Speak directly to the applicant in the wheelchair. Don't speak about him/her.

(B) Place yourself at eye level. Place yourself at eye level when speaking to an applicant in a wheelchair.

Don't:(A) Don't lean on or hang onto an applicant's wheelchair. Consider the wheelchair part of the personal space of the person who uses it.

(B) Don't clog your work space with physical barriers that would prevent a wheelchair from entering the space.

(6) People who are mentally impaired or developmentally disabled.

Do:(A) Treat applicants who are mentally impaired or developmentally disabled as people. Treat these applicants with the same respect you would afford any other applicant.

(B) Be specific when speaking. Avoid abstractions; explain precisely what needs to be done.

(C) Ask questions. Ask questions to determine whether you have been understood.

Don't: Don't assume that an applicant who is mentally impaired or developmentally disabled won't understand or remember what you have said.

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