

will seek legal counsel, even if they are pursuing an agency adoption in which the agency has previously shepherded them through the early stages of filing. Approval of prospective adopters may<sup>21</sup> be denied if the USCIS discovers a failure to disclose negative information such as a criminal record or history of child or substance abuse,<sup>22</sup> 8 C.F.R. § 204.3(h)(4), and has been denied in the past for a variety of other reasons, including irregular employment histories,<sup>23</sup>

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<https://www.uscis.gov/about-us/directorates-and-program-offices/administrative-appeals-office-ao/practice-manual/chapter-3-appeals>.

Unless otherwise indicated, none of the AAO decisions cited in these materials are precedent or adopted decisions, and are provided only as illustrations of how the AAO have in the past resolved certain issues.

<sup>21</sup> See, e.g., Matter of [Name Withheld], File No. [withheld], 2008 WL 3989741 (INS) (AAO Jan 4, 2008) (Administrative Appeals Office [AAO] observed petitioner's failure to disclose arrest and two felony convictions for financial crimes was ground for denial, in discretion of USCIS, but approved I-600A in this action, based on positive recommendations and steady home life and job of applicant and fact that underlying incidents that were basis for convictions were 7 years prior.).

<sup>22</sup> See Matter of Name Withheld], File No. [withheld] (AAO Jan 4, 2008), 85 No. 45 Interpreter Releases 3093, 85 No. 45 Interrel 3093 (Westlaw) (AAO approved application and withdrew initial denial of applicant convicted of driving under the influence and placed on probation until Feb. 2009, based on recommendation of home study preparer, psychologist, and evidence incident was isolated and probation was terminated following compliance with court-imposed requirements. The Convention regulations, which now apply to orphan home studies as well, provide even more detail regarding the treatment of criminal history and accompanying documentation, specifically requiring a certified copy of the documentation showing final disposition of each incident and a written statement submitted with the home study giving details, including any mitigating circumstances about each arrest, signed under penalty of perjury by the person arrested. 8 C.F.R. § 204.311(c)(12). Applicants who disclosed have been denied initially for failure to provide such documentation, or for inadequately discussing mitigating circumstances. See *In re [Name Redacted]*, AAU SIM 09 258 10019, 2010 WL 3426787 (INS) (AAO February 25, 2010)(Applicant who did disclose arrest when she was age 20 for driving after revocation of her license, 25 years before her application, was denied by district director because her statement discussing the incident consisted of a single sentence that did not provide mitigating circumstances, although AAO ultimately found applicant satisfied the regulation with supplementation on appeal with an adequate statement regarding her arrest and subsequent rehabilitation.)

<sup>23</sup> See Matter of Suh, 10 I. & N. Dec. 624, 1962 WL 12925 (B.I.A. 1962) (lack of steady work of husband, wife's work shift from 11 p.m. to 7 a.m., two daughters of own, discharge from United States Army due to chronic alcoholism, and long record of minor arrests and convictions