



Updates on VAWA Adjustments May 30, 2013

Recently, many advocates have reported significant delays in the adjudication of the adjustment of status applications for approved VAWA self-petitioners. ASISTA reported these issues directly to Office of the CIS Ombudsman (“Ombudsman’s Office”) and has received information we hope will be useful to avoid processing delays and how to follow up with USCIS if you suspect there is a problem.

Change in Processing

Prior to May 2012, the Vermont Service Center (VSC) sent the adjustment applications of approved VAWA self-petitioners directly to the District Offices for processing, scheduling of interviews, and adjudication. In May 2012, the National Benefits Center (NBC) assumed the role of pre-processing VAWA adjustment cases to provide the field with “interview ready” cases. This means that VSC now sends the adjustment application to the NBC first to ensure that adjustment applications are complete before sending them to the individual District Offices where they are manually scheduled for interviews.¹

Practice Pointers

1. How do I get my adjustment application “interview ready?”

When the NBC checks an adjustment application to assure it is “interview ready,” it is essentially looking for 4 things:

- Completed Biometrics
- I-693: Report of Medical Examination and Vaccination Record
- I-864W, Intending Immigrant's Affidavit of Support Exemption
- Birth certificate of Applicant

If one of these four items is missing, then the NBC will send a Request for Further Evidence (RFE), giving the applicant 87 days to respond. Advocates should ensure that an adjustment application contains all of these documents, as this will lessen the likelihood that the adjustment application will be delayed at the NBC.

¹ The manual scheduling of interviews for VAWA adjustment applications presumably is due to confidentiality reasons.

2. Why should I file the I-693 medical exam at the outset? Don't they expire?

The medical exam will be valid from the date it was filed with the adjustment application *as long as the expiration date on the I-693 form itself has not expired. For instance, the current I-693 form will expire on January 15, 2015.*² Advocates should ensure that civil surgeons are using the most recent form possible.

If the I-693 medical examination **form** expires during the pendency of the adjustment application, then you may get an RFE for a new medical examination. If you notice that you are getting RFEs for medical exams and the form it was completed on has not expired, contact ASISTA at questions@asistahelp.org or the Ombudsman's Office for assistance.

3. How long are the cases at the NBC?

The NBC reviews adjustment applications to check that they are "interview ready" shortly after they are received from the VSC. Once the adjustment application has been deemed complete, then the NBC will send the application out to the District Office in about a month's time. If you receive a notice that a VAWA adjustment case was transferred to the NBC and do not get a notice within about 45 days that the application has been transferred to the District Office (or have not otherwise received an RFE), advocates should follow up with the District Office regarding the status of the file.

4. What if I am still noticing delays?

After reaching out to NBC about these issues, it appears as if the NBC has streamlined and corrected its process with regard to VAWA adjustment cases. It is possible, however, that delays in scheduling are occurring on the District office level due to the manual scheduling of VAWA adjustment interviews. If you are noticing significant delays, longer than 90 days, then the Ombudsman's Office recommends making an Infopass appointment to try to ascertain where the delay may be. If that is not successful, then advocates may contact the DHS Ombudsman's Office using their online form: <http://www.dhs.gov/ombudsman-case-assistance>

² See I-693- Report of Medical Examination and Vaccination Record form available at: <http://www.uscis.gov/files/form/i-693.pdf>