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USCIS Briefing on Change to VAWA

Date of Engagement: November 12, 2024

USCIS Speakers:

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Rebecca Maxwell, Senior Advisor to USCIS Deputy Director
Avideh Moussavian, Office of Policy and Strategy (OP&S)
Laurie Goudge, Service Center Operations Directorate (SCOPS)

Note: Other USCIS staff attended, but did not speak at the briefing.

ASISTA Notes:

USCIS Statements

1. USCIS organized this briefing to share updates about the VAWA program.
2. USCIS has sole jurisdiction to adjudicate all VAWA self-petitions. In January 2023, we opened HART Service Center and VAWA self-petitions are now exclusively adjudicated by HART.
3. Agency subject matter experts have seen significant increases in the number VAWA filings in recent years:
 - a. Beginning in FY2020, the number of VAWA self-petition filings began to increase at far higher rates than previous years
 - b. Between FY2021 and FY2023, the number of VAWA self-petition filings increased by approximately 46%. The numbers have continued to rise to the

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point that processing times are increasing as a result, despite the opening of HART and onboarding of additional adjudicators.

4. Also, there have been high profile criminal cases of attorneys filing non-meritorious VAWA self-petitions to help clients get advance parole, to help those who entered without inspection to seek green cards. The DOJ has issued press releases, with the facts of those cases.
 - a. There have also been several news stories, where noncitizens involved in the schemes, described the predatory tactics encountered and that they didn't know they were making allegations of abuse against their relatives.
5. USCIS diligently reviews every VAWA self-petition to make accurate decisions in each case. As a part of that, we have always provided specialized training to our officers working on the VAWA program.
6. Because of the recent criminal proceedings and increase in filings, we have considered options to assess the effectiveness of the VAWA program and strengthen its integrity.
7. **To that end, we determined that we will exercise our regulatory authority to conduct interviews for certain VAWA self-petitioners.** We have always had the regulatory authority to require any individual filing a benefit request to appear for an interview, per 8 CFR 103.2(b). USCIS is utilizing this authority to enhance our ability to make accurate eligibility assessments and to improve the overall adjudication process.

OP&S Statements

1. We want to ensure that we're preserving it [the VAWA program] and protecting the VAWA immigration option so that it remains a viable and accessible option to noncitizens seeking relief from abuse.
2. USCIS adjudicators are specifically trained in the overall dynamics of domestic violence and the laws and policies that apply to this population. USCIS has historically been successful in adjudicating self-petitions on paper alone. We want to ensure we're using all the tools at our disposal to ensure the program remains open to all who are eligible.
3. **Beginning in December 2024, we will begin conducting interviews for certain noncitizens who filed an VAWA I-360 self-petition.** We want to be clear that this change does not alter eligibility requirements for VAWA self-petitions nor does it make any changes to applicable eligibility standards required by regulation.
 - a. We are making this change to verify the information received to ensure it's accurate and to give us an additional tool, through the interview process, to ensure program integrity and the strength of the program.
 - b. A large portion of self-petitions will still be decided without conducting an interview; we are not currently sending interview notices to all those with pending VAWA I-360s.
 - c. A decision to interview an individual is in no way inherently derogatory or indicative of the outcome of their case.

- d. USCIS will use the results of these interviews to improve program access and ensure the strength and integrity of the program. USCIS will analyze the results from these interviews to evaluate for potential fraud, weaknesses in the program, program integrity, and general eligibility concerns. **Based on the outcome of these interviews, we will also consider whether it's practical, effective, and useful to interview a larger portion of self-petitioners.**
4. Recognizing it's a significant change in a long-standing program, the "why":
 - a. One reason relates to recent criminal proceedings. In 2024, the DOJ announced the conclusion of 3 large-scale criminal prosecutions, alleging VAWA fraud:
 - i. New York: attorney and affiliates admitted to filing thousands of VAWA self-petitions to get advance parole and apply for lawful permanent residence.
 - ii. Massachusetts: several attorneys plead guilty to operating large-scale fraud rings, including fabricating abuse claims to secure VAWA self-petitions for clients.
 - iii. Maryland: an individual unlicensed to practice immigration law was charged and convicted of providing false statements and filing fraudulent documents to obtain immigration benefits, including VAWA self-petitions.
 - iv. *Link shared:*
<https://www.justice.gov/usao-ma/pr/operators-large-scale-marriage-fraud-age-ncy-sentenced>
 - b. These individuals charged a lot of money and there's evidence that many didn't know that the petitions filed on their behalf alleged abuse by their family member.
5. Using our authority to interview will serve as an important tool to maintain the strength of the program. **Interviews will allow us to directly address those seeking VAWA classification and confirm that they understand the basis under which their self-petition was filed and that they meet all eligibility requirements.**
6. We acknowledge that interviewing takes resources. We don't expect it to have a substantial impact on our current processing times overall.
 - a. The NSC [Nebraska Service Center] has a centralized intake process and we have met all our staffing benchmarks for HART and it is almost fully staffed. So that should ensure we continue to maintain our current processing times.
7. The number of pending self-petitions continues to rise and processing times continue to increase, despite our efforts. This results in longer waiting times for adjudication, which can worsen situations for survivors of abuse.

SCOPS Comments

1. **USCIS will interview those with both a pending VAWA I-360 and a pending I-485 application to adjust status.** We have a long history of conducting interviews and will consult existing interview guidelines.
2. Self-petitioners selected for an interview must attend. If they fail to appear, we may deny their petition. If they need to reschedule their interview, they should follow the reschedule instructions provided in the notice.
3. We may pull cases for interview out of first-in, first-out (FIFO) order, but all other cases will continue to move through the adjudicative process according to their filing date.
4. **We will start mailing interview notices in November and interviews will start in December.** We will mail the notice to the self-petitioner's safe address and to their legal representative of record, if they have one. **We will amend the I-485 interview notice to say that they will also be interviewed on their pending VAWA I-360.**
 - a. The notice will also have information if they wish to reschedule or withdraw. We will process reschedule requests per current I-485 reschedule guidelines.
 - b. The notice will also have information about requesting an accommodation, if needed.
5. **Interviews will be conducted at the USCIS field office with jurisdiction over the self-petitioner's residence.** We have heard of examples where the residence on I-485 only lists the attorney of record's address. So, we will mail the notice to the safe address and hopefully they will be interviewed with what's on the forms.
6. **Self-petitioners must attend in person at the designated location.** The immigration officer conducting the interview will appear in person or remotely, consistent with remote interview protocols issued by the field operations directorate. Officers will receive appropriate specialized training and conduct interviews using trauma-informed approaches.
7. **We will interview on both the I-360 and the I-485. Questions will be related to eligibility for both forms and may include any information in the individual's A-file.**
 - a. We do not have predetermined questions for the interviews. Each self-petitioner is unique so questioning will be tailored to their specific facts. **Self-petitioners should be prepared to discuss anything they have submitted to USCIS and eligibility for those benefits.**
8. USCIS does not believe this change will adversely impact any VAWA self-petitioners. Self-petitioners scheduled for interviews will also have a pending I-485 and it's been a longstanding practice to require interviews for adjustment of status.
9. As with any USCIS interview, an individual may bring an attorney or representative.
10. This does not alter USCIS's notice to appear policy or its application.

Final Statements

1. For any other questions after this briefing, you can reach out to publicengagement@uscis.gov
2. USCIS will also be launching a public awareness campaign to educate potential self-petitioners about VAWA, including eligibility requirements and how to avoid practitioners/organizations engaging in unethical or predatory practices.
 - a. Campaign will rely on radio and video public service announcements and social media.
 - b. We will update the [Common Scams page](#) on the USCIS website, to include information specifically about VAWA.

Q&A

1. **Question:** If possible, could you talk about what training the field offices will receive to be able to conduct these interviews appropriately?
 - a. **Response:** Officers assigned to these interviews are familiar with VAWA adjudications, 1367 protections, and trauma-based interviews. We are definitely making sure everyone is up-to-date, trained – we are not putting brand new officers on this workload but officers with long-standing experience in this.
2. **Question:** Will interviews be conducted for VAWA self-petitions only filing standalone I-360s?
 - a. **Response:** The interviews we are scheduling now are for those with both the I-360 and I-485 pending, where the I-485 was joint-filed or later-filed. Right now, we are not sending interview notices for standalone VAWA I-360s.
3. **Question:** Please explain how information about 8 USC 1367 will be documented and how the agency will show they're not acting at the behest of the abuser.
 - a. **Response:** We will always ensure that we are adhering to 1367 protocols. So the abuser is not permitted to attend the interview with the petitioner and, in general, all protections related to and flowing from 1367 are a central component of the training. We have experience ensuring that 1367-protected individuals at the adjustment stage avail themselves of those protections. So nothing new, but we want to emphasize that it's a central part of the training for these interviews.
4. **Question:** To clarify, it sounds like the adjudicators being selected are from the VAWA team, not the people in the field offices that adjudicate battered spouse waivers and have less training and knowledge of VAWA and 1367 protections?
 - a. **Response:** That is not correct. It's a joint effort between field office operations and service center operations. So we pulled together officers, some from different places, but they all have experience and background – we have officers that move around between directorates all the time. So we were very thoughtful and intentional in who we have doing these interviews, knowing this is a sensitive

population and that this is not something self-petitioners or representatives are used to (having open interviews on the VAWA I-360). So it's not just limited to HART officers but is limited to officers who have background and experience.

5. **Question:** Will both I-360 and I-485 be adjudicated at that time?

Question: After the HART officer reviews the 360 and adjudicates, then the 485 is sent to the local office for final adjudication (where 485 was already reviewed in that interview already completed)?

Question: Could you clarify the overlap between HART officer review of the I-360 in cases where an interview is scheduled at a field office?

a. **Response:** The results of the interview will be reviewed by one of the HART officers, regardless of who does the interview. Once the I-360 is adjudicated, then we can adjudicate the 485. The field operations directorate (FOD) still has jurisdiction over the I-485. All VAWA I-360 petitions will go through a HART officer and will be adjudicated by the HART officers.

6. **Question:** If the officer suspects fraud, what action will the officer take at the interview?

a. **Response:** I'm not sure what that is leaning towards. If fraud is suspected, asking clarifying questions, getting documentation. Not sure what else would be thought to be done at an interview. There could be a situation of sworn statement, if it's very clear. I don't think anything would be done differently at these interviews than at other interviews where fraud is suspected.

7. **Question:** I think the concern is about whether the interview will be a site of ICE enforcement.

a. **Response:** That is not what's being considered for who is being interviewed. If there was somebody in the interview that requires contact with ICE, we would follow the same protocols as we would with anyone else being scheduled for an interview. But again, that wasn't the purpose of scheduling these interviews. It can always happen where there could be information in a filing that requires USCIS to contact ICE, but that's not expected to be a normal situation with these cases.

8. **Unanswered Questions / Concerns:**

a. **Question:** Can you be more transparent about how/ which cases are being selected for an interview?

b. **Concern:** This is very concerning. In my experience, the officers at the local field office are not trauma-informed.

i. **Concern:** I second this concern. I've had a lot of issues in different field offices with trauma based interviews at the AO and field offices.

c. **Concern:** I do want to bring up the concern with a new administration, that apprehension at field office interviews was quite common previously where previously it was not common for marriage interviews, etc.