



Practice Alert: VAWA Self-Petitioner Interviews at USCIS Field Offices¹

February 17, 2025

Toward the end of last year, USCIS announced that it would begin conducting interviews of VAWA self-petitioners with I-485 adjustment of status applications pending at local USCIS Field Offices. This Practice Alert will review the information provided by USCIS about the commencement of these interviews and their response to advocacy. ASISTA urges practitioners to report their experiences with this process in our [survey](#). We also urge practitioners to zealously advocate for their clients who may be experiencing stress and confusion leading up to these interviews, and to educate USCIS Field Officers on the special considerations owed to VAWA self-petitioners.

Commencement of VAWA Self-Petition Interviews

On November 12, 2024, representatives of USCIS convened a small number of stakeholders to announce that beginning in December 2024, USCIS Field Offices would conduct interviews of selected VAWA Self-Petitioners who filed both an I-360 Self-Petition and I-485 Application, pursuant to its authority under 8 CFR 103.2(b)(9). According to the announcement, these interviews would be conducted as part of a pilot program to enhance the agency's ability to make accurate and efficient eligibility assessments, improve the overall adjudication process, and assess the incidence of fraud in I-360 Petitions. USCIS representatives explained that this change was prompted by recent high profile prosecutions of fraudulent marriage-based immigration schemes and news reports of fraud in the VAWA program.

USCIS informed stakeholders that interviews would be conducted by either Humanitarian, Adjustment, Removing Conditions and Travel Documents (HART) Service Center personnel, USCIS Field Office personnel, or both, with HART officers appearing virtually. Although interviews may be conducted in-person at USCIS Field Offices, USCIS advised that notes of interviews conducted by USCIS Field Officers would be transmitted to the HART Service Center for review, and that final decisions on

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VAWA Self-Petitions would continue to be made by the specialized adjudicators at the HART Service Center. ASISTA's notes from the stakeholder meeting can be viewed [here](#).

Shortly thereafter, the [USCIS website](#) was updated to reflect that some VAWA self-petitioners would be selected for interviews. USCIS noted that being selected for an interview does not mean that a deficiency in the case has been identified. It also noted that failure to appear for the interview would result in a denial of both the VAWA self-petition and the application for adjustment of status.

Advocacy, Response, and Practice Tips

On December 3, 2024, co-chairs of the Alliance for Immigrant Survivors and twenty-four national, state, and local organizations wrote a [letter to USCIS](#) expressing concerns about the new interview policy (the "Recommendation Letter."). In addition to urging that the interview policy be rescinded, the authors made recommendations for implementation that would account for the special concerns of VAWA Self-Petitioners and the protections to which they are entitled under 8 USC 1367.

On January 10, 2025, [USCIS responded](#) to the letter affirming that it would move forward with the initiation of VAWA Self-Petitioner interviews, and provided responses to our recommendations ("USCIS Response."). **NOTE:** The personnel at USCIS who reviewed and responded to the Recommendation letter may have changed. However, USCIS has long recognized that specialized training on domestic violence, special confidentiality protections, vicarious trauma, and statutory and regulatory eligibility requirements is necessary to effectuate the Congressional objectives of the VAWA immigration provisions, which are to allow noncitizens abused by certain family members the ability to self-petition for immigration status without the abuser's knowledge, consent, or participation in the immigration process.²

Based on the Recommendation Letter from advocates and USCIS's Response, below are some practice tips to ensure adherence to the protections and objectives of VAWA during interviews at USCIS Field Offices.

Practice Tips:

- 1) When you receive notice of your client's interview, carefully review the notice to determine if the interview is on both the I-360 VAWA self-petition and their I-485 application for adjustment of status, or only their I-485 application for adjustment of status. If the latter, remember (and be ready

² CIS Ombudsman and USCIS, *Joint Webinar on the HART 1 year anniversary*, p. 12 (April 30, 2024), available at https://www.dhs.gov/sites/default/files/2024-06/24_0430-cisomb_hart_webinar-presentation.pdf.

to remind the USCIS Field Officer) that USCIS Policy Manual provisions still apply such that the scope of the interview should be limited to the I-485 adjustment of status application.³

- 2) If your client's interview is scheduled for a date and time that does not provide adequate time for preparation, both substantively and, for the survivor, emotionally, request that the interview be rescheduled for a reasonable amount of time, or three weeks.
- 3) If your interview is conducted in an open cubicle where it can be overheard by others, request that it be moved to a closed office with the maximum amount of privacy available, as confirmed in the USCIS Response.
- 4) Remind the officers conducting the interview that they have discretion to allow victim or survivor advocates to accompany you and your client into the interview room, and to allow a trusted adult to remain in the waiting room with your client's children, as confirmed in the USCIS Response.
- 5) If the assurances made in USCIS Response are violated, you may utilize whatever complaint policy remains in place at your local Field Office, and should take steps to exhaust your administrative remedies and consider further litigation if your client's VAWA self-petition is denied.

Conclusion

Although the personnel responsible for implementing VAWA at USCIS has changed over time, Congressional objectives underpinning VAWA immigration benefits have not. When adopting VAWA, "Congress sought to offer protection for victims, to promote victims' participation in the justice system in family, criminal and civil court cases involving their abusers, and to interfere with and limit the tools perpetrators use to intimidate and coercively control their victims."⁴ As noted above, ASISTA is monitoring this new policy and how it is implemented to make sure these underlying goals of VAWA are honored.

³ USCIS Policy Manual Vol. 3, Chapter 6, Section A.2 "Officers in USCIS field offices adjudicating an [application for adjustment of status] based on an approved VAWA self-petition generally may not inquire about instances of abuse or extreme cruelty or attempt to re-adjudicate the merits of the underlying approved self-petition.", <https://www.uscis.gov/policy-manual/volume-3-part-d-chapter-6>.

⁴ Orloff, Leslye E., Magwood, Haley Ilesha, et al., *Transforming Lives: How the VAWA Self-petition and U Visa Change the Lives of Survivors and their Children After Employment Authorization and Legal Immigration Status* (June 8, 2021), p. 3, <https://niwaplibrary.wcl.american.edu/wp-content/uploads/Transforming-Lives-Final-6.8.21-Final.pdf>.