



**U.S. Citizenship
and Immigration
Services**

January 7, 2025

Cristina Velez
Legal & Policy Director
ASISTA Immigration Assistance
cristina@asistahelp.org

Dear Ms. Velez:

Thank you for your December 3, 2024 letter to U.S. Citizenship and Immigration Services (USCIS). We appreciate your thoughtful feedback and recommendations.

As stated in the November 12, 2024, stakeholder engagement announcing this initiative, the Department of Homeland Security (DHS) understands the importance of the self-petitioning provisions of the Violence Against Women Act (VAWA). The goal of this initiative is to ensure the VAWA program remains a viable and accessible option for eligible noncitizens. USCIS carefully considered options before deciding to use its regulatory authority to interview certain individuals with pending VAWA self-petitions. We deeply appreciate and respect the concerns you raised; however, we do not agree with your primary recommendation to terminate interviews for this population.

You also expressed concerns about the training and capabilities of USCIS field office personnel to conduct these specialized interviews. We agree certain trainings are required before USCIS personnel can adjudicate VAWA self-petitions. As you note, USCIS has a long history of successfully training Service Center staff in this manner. USCIS field office staff have received appropriate and commensurate training to conduct VAWA eligibility interviews under the applicable legal and policy standards. Officers also receive training to ensure a trauma-informed and victim-centered approach. Additionally, as discussed during the November 12, 2024 engagement, USCIS Service Center personnel will continue to make the final adjudicative decisions on the merits in these cases.

We thank you for the additional recommendations you provided and address them individually below:

1) Ensure that USCIS Field Office personnel conducting I-360 VAWA Self-Petition interviews are properly trained.

All Immigration Service Officers conducting interviews regarding eligibility for immigrant classification under VAWA have received and will continue to receive necessary adjudications training related to eligibility requirements, evidentiary standards, trauma-informed interviewing, the dynamics of domestic violence, and the 8 U.S.C. §1367 provisions.

2) Ensure the safety and dignity of VAWA Self-Petitioners during interviews.

The safety and dignity of VAWA self-petitioners is extremely important to USCIS. We carefully considered the concerns you raise. USCIS cannot commit to conduct all interviews in-person and will continue to use remote-to-office interviews to enable us to assign officers with the specialized training and experience required to conduct these interviews, regardless of geographic location, and to ensure that we are able to adjudicate these petitions in a timely manner.

We strive to provide a reasonable time for notice and will further consider the request to adopt a three-week notice period for this interview type.

We respect the sensitive information contained in the VAWA self-petition, and interviews are conducted in closed locations with appropriate privacy.

Officers have discretion to consider reasonable requests regarding who may be present during the interview and in the waiting room.

USCIS uses trauma-informed interview techniques, including acknowledgement that an individual may need time to respond to questions or take extra time to compose oneself, however, interviews must be completed, and interview questions cannot be responded to in writing. USCIS follows DHS Directive 002-03 Preventing and Addressing Gender-Based Violence Through a Victim-Centered Approach, available online at <https://www.uscis.gov/newsroom/stakeholder-messages/dhs-announces-new-resources-to-combat-gender-based-violence>.

3) Ensure adherence to 1367 confidentiality protections.

USCIS is bound by law to adhere to the 8 U.S.C. §1367 provisions. Officers are trained and understand that the confidentiality and prohibited source provisions apply.

4) Ensure that VAWA evidentiary standards are observed.

USCIS adheres to all statutory requirements, including the “any credible evidence” provisions and preponderance of the evidence standard. USCIS has not made any changes to the applicable evidentiary standards.

5) Ensure accountability for violations of VAWA protections and protocols.

USCIS has not made any changes to procedures related to adjustment of status interviews based on an approved VAWA self-petition.

For information about how VAWA self-petitioners may share complaints and feedback about this initiative, please see USCIS Policy Manual, Volume 1, Part A, Chapter 9 – Feedback, Complaints, Misconduct, Discrimination, available online at <https://www.uscis.gov/policy-manual/volume-1-part-a-chapter-9>.

Generally, USCIS does not provide information on internal procedures such as how supervisors are assigned or provide contact information for personnel. The interview notice contains instructions on how to make scheduling requests.

Specific adjudicative actions are determined on a case-by-case basis dependent upon the unique facts and circumstances of each case. We will refer this suggestion to the Humanitarian, Adjustment, Removing Conditions and Travel Documents (HART) Service Center to consider as appropriate.

This initiative is not a pilot. This decision was made as part of an ongoing effort to ensure the effectiveness and integrity of humanitarian programs administered by USCIS. USCIS has long had the authority to require any individual filing a benefit request to appear for an interview under 8 C.F.R. § 103.2(b)(9), and the Form I-360 instructions repeatedly state USCIS may require a petitioner to appear for an interview in connection with the petition.

Thank you again for your letter and interest in this important issue and for the work you do to protect noncitizen victims of battery and extreme cruelty. Please share this response with the other organizations that cosigned your letter. Should you wish to discuss this matter further, please do not hesitate to contact the USCIS Public Engagement Division by email at public.engagement@uscis.dhs.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", with a long horizontal flourish extending to the right.

Ur M. Jaddou
Director