



November 18, 2020

PM-602-0180

Policy Memorandum

SUBJECT: Expanding Interviews to Refugee/Asylee Relative Petitions

Purpose: This Policy Memorandum (PM) directs the phased expansion of in-person interviews for refugee/asylee relative petitions (Form I-730, *Refugee/Asylee Relative Petition*), to ultimately include petitioners in addition to beneficiaries, regardless of location. For the reasons and in the manner outlined below, U.S. Citizenship and Immigration Services (USCIS) personnel shall take all appropriate actions to execute implementation, consistent with the parameters established in this memorandum.

Scope: This PM is to be followed by all USCIS officers in the performance of their duties, but it does not remove their discretion in making adjudicatory decisions.

Authorities: Immigration and Nationality Act (INA), §§ 207 and 208; Title 8, Code of Federal Regulations (CFR), §§ 103.2(b)(9), 207.7, and 208.21.

Background: In 2017, USCIS began to implement a multi-year approach to expand in-person interviews for all aliens requesting immigration benefits which, if granted, would provide permanent resident status or nonimmigrant status and/or work authorization for an extended period.

In support of these expanded interview procedures, USCIS established working groups composed of individuals from Field Operations Directorate (FOD), Service Center Operations (SCOPS), and Fraud Detection and National Security (FDNS) to evaluate the current workloads that fit the new interview criteria. The project team identified the initial population of cases, which USCIS began incrementally transitioning to in-person interviews in April 2017.¹

Interviewing Refugee/Asylee Relative Petitioners: INA §§ 207(c) and 208(b)(3) provide that eligible spouses and unmarried children may receive asylee or refugee status by following to join principal refugees or asylees in the United States. A Form I-730 petition may be filed on behalf

¹ In April 2017, USCIS transitioned adjustment of status cases for K-1 fiancé(e) visas to in person-interviews. From October 2017, USCIS started interviewing employment-based adjustment of status applicants (Form I-485, Application to Register Permanent Residence or Adjust Status) filed on or after March 6, 2017. On December 10, 2018, USCIS also began requiring interviews for all Forms I-751, Petition to Remove Conditions on Residence, for beneficiaries who consular-processed as conditional residents.

of either a spouse or a child, as defined respectively in INA §§ 101(a)(35) and 101(b)(1)(A)-(E), by an alien who has been admitted to the United States as a principal refugee or has been granted asylum as a principal asylee. Asylum status may be granted by a USCIS asylum officer or an Executive Office for Immigration Review (EOIR) immigration judge. USCIS approves applicants for refugee status abroad, but U.S. Customs and Border Protection makes the final determination at the U.S. port of entry on whether to admit the individual as a refugee. Under 8 CFR § 207.7(d) and 8 CFR § 208.21(c), a Form I-730 petition must be filed within two years of the principal's initial admission as a refugee or grant of asylum, unless otherwise granted an extension of time to file for humanitarian reasons. Separate Form I-730 petitions must be filed for each qualifying family member. Form I-730 beneficiaries are not required to have persecution claims that would qualify them independently as asylees or refugees; instead, they derive that status by virtue of their relationship to the petitioner.

While no statute or regulation mandates interviews for refugee/asylee relative petitions, USCIS has regulatory authority under 8 C.F.R. § 103.2(b)(9) to require an interview for any applicant, petitioner, sponsor, or other individual in connection with an application or petition for immigration benefits. Accordingly, interviews have historically been required for all Form I-730 beneficiaries residing outside of the United States. These interviews are currently conducted overseas prior to the Form I-730 beneficiary traveling to the United States by either USCIS Refugee, Asylum and International Operations (RAIO) personnel located abroad or the U.S. Department of State (DOS) Bureau of Consular Affairs (CA) depending on the beneficiary's location.

For Form I-730 beneficiaries who reside in the United States, USCIS similarly imposed interview requirements in furtherance of its mission in 2018.² FOD is currently responsible for interviewing domestic beneficiaries of Form I-730 petitions.

With respect to I-730 petitioners, to date, USCIS imposes an interview requirement on those Form I-730 petitioners whose beneficiary(ies) reside in the United States when eligibility concerns could not otherwise be resolved by interviewing the beneficiary alone.

Under this policy memorandum, USCIS will require most petitioners to appear for an interview in connection with Form I-730.³ Given this change in policy, USCIS recognizes that many more Form I-730 petitioners will face the added burden of appearing at USCIS field offices than under the previous policy. USCIS interviews occur during business hours on weekdays and may require attendees to make accommodations to work schedules or childcare arrangements. Petitioners must also travel to a USCIS office with jurisdiction over the case to appear for an interview, and may be required to appear for interview multiple times if they petition on behalf of multiple beneficiaries. If they wish to appear with an attorney or other accredited representative, they may incur additional costs for those services. This new interview requirement may lengthen the overall adjudicative process.

² Prior to this requirement, similar to other caseloads that did not statutorily or regulatorily require interviews, petitioners and beneficiaries who resided in the U.S. were subject to referral for interview as a matter of USCIS policy.

³ Consistent with current practice, the Form I-730 petition may be denied without interview in instances where USCIS has sufficient information to determine statutory ineligibility. An interview does not serve a purpose if an individual is not statutorily eligible for the requested benefit.

Nonetheless, these impositions on Form I-730 petitioners are reasonable given the importance of the immigration benefit at issue: residence in the United States as a derivative asylee or refugee. At present, petitioners whose beneficiary(ies) reside in the United States may be required to appear for an interview if USCIS determines that there are eligibility concerns that cannot be resolved by interviewing the beneficiary alone. Moreover, USCIS has offices across the United States that will facilitate the appearance of petitioners at interviews and mitigate any inconvenience to them under the new requirement. The requisite thirty-day notice provided to interview attendees along with procedures that accommodate reschedule requests afford individuals ample opportunity to make any arrangements required to support their appearance. The interview requirement also does not change eligibility requirements for Form I-730 benefits.

This expansion of in-person interviews to Form I-730 petitioners serves USCIS's mission to safeguard the integrity of the U.S. immigration system against fraud and other risks of harm to the United States. These interviews with petitioners and beneficiaries will provide an additional layer of in-person adjudicative scrutiny to evaluate the bona fides of the familial relationship and screen for fraud and security concerns. The primary purpose of these interviews is to develop the facts officers need for sound adjudications pursuant to immigration laws, regulations, policies and procedures. Interviewing Form I-730 petitioners may in some cases facilitate officers' capacity to gather information more efficiently than through a Notice of Intent to Deny or Request for Evidence alone. By allowing for detailed and targeted questioning based on the response, clarification of ambiguities, and the ability to detect deception from verbal and non-verbal cues, interviews enable officers to more efficiently address discrepancies and pursue additional lines of questioning, when needed to determine eligibility for the benefit sought. When used in combination with other adjudicative methods, such interviews afford USCIS the opportunity to verify information in the record, discover and develop new information that may be relevant to the adjudication, and determine the veracity of the alien and bona fides of the claimed relationship underlying the benefit request. The petitioner's participation in the interview is critical. In some instances, the petitioner may serve as the primary means to verify qualifying familial relationship or address discrepancies in the claimed qualifying familial relationship. Further, interviewing Form I-730 petitioners even if they were recently interviewed for principal refugee/asylee status, allows an officer to ask directed questions related to the qualifying relationship which may not have been included in the previous record. Cumulatively, the benefits of expanding interview requirements for petitioners outweigh resource concerns.

Implementation: USCIS will continue the strategic use of in-person interviews to include petitioners who file refugee/asylee relative petitions (Form I-730). While FOD will assume responsibility for all domestic Form I-730 interviews at the outset, a phased approach will be designed to standardize the Form I-730 adjudicative process regardless of whether petitioners and beneficiaries are interviewed by FOD, RAIO, or DOS CA.

Operationalizing petitioner interviews will take place in the following phases:⁴

1. Phase 1: Petitioners and beneficiaries where both are located in the United States (target implementation date: FY21, Q1).

⁴ USCIS intends for each phase to expand upon the previously implemented phase(s).

2. Phase 2: Petitioners⁵ and beneficiaries where both are located in a USCIS jurisdiction, but at least one of them (usually the beneficiary) is located in a USCIS jurisdiction abroad (target implementation date: upon publication of the updated Form I-730 instructions).
3. Phase 3: Petitioners and beneficiaries where at least one is located in a DOS jurisdiction abroad (implementation date to be determined, following publication of the updated Form I-730 instructions and after consultation with DOS).

Accordingly, FOD, SCOPS, and RAIO are directed to implement this policy to include procedural guidance as necessary for each phase of implementation as well as the updating of form instructions prior to the implementation of Phases 2 and 3.⁶

Given the operational modifications that need to be made prior to effectuating these changes, USCIS will post a public notice on the website within a reasonable timeframe prior to the planned implementation date for each phase. This Policy Memorandum will apply to Form I-730 petitions filed on or after the implementation date of the applicable phase.

One year after the date of implementation of Phase 2, FOD and RAIO are instructed to analyze the utility and effectiveness of the policy and recommend any changes or refinements of the interview category.

Use: This PM is intended solely for the instruction of USCIS personnel in the performance of their official duties. It is not intended to, does not, and may not be relied upon to, create any right or benefit, substantive or procedural, enforceable at law, or by any individual or other party in removal proceedings, in litigation with the United States, or in any other form or manner.

⁵ Instances in which the petitioner needs to be interviewed abroad (whether in the jurisdiction of USCIS or DOS) are extremely rare.

⁶ As the Form I-730 instructions currently notify U.S.-based petitioners with domestic beneficiaries that they may be requested to appear for an interview, USCIS will commence Phase 1, which will expand interviews to U.S.-based petitioners with domestic beneficiaries contemporaneous with the form revision process.