

## USCIS Begins Phasing-In Interviews in Employment Cases

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Effective October 1, 2017, USCIS expanded adjustment of status in-person interviews for individuals seeking permanent residence in the United States. While interviews have regularly been required for some family-based permanent residence cases, interviews involving employment-based cases have generally been waived. USCIS is now phasing in interviews for all employment-based permanent residence cases (I-140 based permanent residence cases) and relative petition-based permanent resident cases (filed by refugees and asylees (Form I-730)).

US Citizenship and Immigration Services (USCIS) indicated this change is in response to President Trump's Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States" and "reflects the Administration's commitment to upholding and strengthening the integrity of our nation's immigration system ... and to develop more robust screening and vetting procedures for individuals seeking immigration benefits to reside in the United States."

The following information may be helpful as you and your employees prepare for interviews as they are phased-in for pending adjustment of status cases:

### **Q: What types of cases will be affected by the interview requirement?**

A: USCIS has confirmed all pending employment-based I-485 cases based on an approved I-140 are subject to interview. In other words, there are no exceptions based on the level of the case (e.g. EB-1, EB-2, or EB-3), type of occupation, or nationality of the applicant.

### **Q: My employer's I-140 has been approved and my I-485 is pending. How will I know if I am scheduled for an interview?**

A: Behind the scenes, USCIS will transfer your pending I-485 from its current USCIS Service Center (either the Texas Service Center or Nebraska Service Center) to the National Benefits Center (NBC), a national clearinghouse that coordinates operations with the USCIS field offices. The NBC will organize your file and coordinate scheduling of an interview date and time with the USCIS field office nearest your residence. The NBC will mail you a notice informing you of the date, time and office address of your interview. After sending your appointment notice, the NBC will ship your file to the

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field office before your scheduled interview.

**Q: Where will my interview be scheduled?**

A: USCIS will schedule the interview at the USCIS field office with jurisdiction over the residential address listed on your I-485 application. If you have moved since filing your I-485 application, please contact your employer and attorney immediately to ensure your current address is included in your I-485 application. A list of all USCIS field office locations can be viewed here:

<https://www.uscis.gov/about-us/find-uscis-office/field-offices>

**Q: What if I am unable to attend the interview on the date and time that has been scheduled?**

A: Your interview notice will contain instructions on how to reschedule your appointment to another date and time. Please contact your employer and attorney to discuss your reasons for rescheduling your appointment. USCIS will generally permit one rescheduling request.

**Q: Do my dependents need to attend the interview?**

A: Current guidance indicates all permanent resident applicants will be required to attend an interview, including minor children. USCIS is considering whether to change this policy to exempt minor children from appearing.

**Q: What questions will be asked during the interview?**

A: USCIS has said the purpose of the interview is to detect fraud and increase security. USCIS will review your answers to the questions on the I-485 application and will also review evidence submitted with the approved I-140 immigrant petition. USCIS does not intend to re-open approved I-140s. However, USCIS will discuss the applicant's prior education and/or experience if the credibility of the information is in doubt. USCIS also reserves the right to question the relationship between the principal applicant and any dependents to ensure the relationships are genuine

**Q: Will the new interviews delay my case?**

A: USCIS confirms some delays should be expected. USCIS noted it has provided additional training to USCIS field office staff, and is adding personnel to key locations to balance workloads.

**Q: Will I be able to track processing times at the USCIS Field Offices?**

A: Currently USCIS provides field office processing data for family-based cases and naturalization filings. USCIS is working with its technical teams to add tracking of employment-based adjustment of statuses cases to the USCIS Case Status page.

**Q: What happens if the government needs more information?**

1. USCIS has acknowledged that Requests for Evidence (RFEs) may be issued by either the NBC or the field office, if I-485 cases are missing items or if additional information is needed. Applicants should provide the requested information only to the office that requested it so the information is not lost during the multi-step file transfer. In other words, if the NBC requests a

new medical exam, an applicant should return the medical exam to the NBC – not to the USCIS field office. If the USCIS field office requests information, it should be submitted to the field office – not the NBC, unless otherwise indicated by the USCIS instructions.

Additional information about the USCIS interview phase-in can be found here:

<https://www.uscis.gov/news/news-releases/uscis-to-expand-in-person-interview-requirements-for-certain-permanent-residency-applicants>

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