



December 15, 2020

PA-2020-26

Policy Alert

SUBJECT: Refugee and Asylee Adjustment of Status Interview Criteria and Guidelines

Purpose

U.S. Citizenship and Immigration Services (USCIS) is updating guidance in the [USCIS Policy Manual](#) regarding adjustment of status interview waiver categories and expanding the interview criteria for asylee and refugee adjustment of status applicants.

Background

Certain aliens in the United States may file an application with USCIS to adjust their status to that of a lawful permanent resident. All applicants for adjustment of status under INA 245 must be interviewed unless USCIS determines that the interview is unnecessary.¹ The decision to interview an asylee or refugee adjustment applicant is made on a case-by-case basis.² Interviews are generally required when an officer is unable to confirm identity or admissibility based solely on the immigration records available.

While the changes may result in an increase in the number of applicants who may be requested to appear at a USCIS office for an interview,³ USCIS is expanding the interview criteria for adjustment applications filed by asylees, refugees, and their derivative family members to help ensure program integrity and improve the detection of fraud, misrepresentation, national security threats, and public safety risks.⁴

This update, contained in Volume 7 of the Policy Manual, applies to adjustment applications filed on or after December 15, 2020. The guidance contained in the Policy Manual is controlling and supersedes any related prior guidance.

¹ See [8 CFR 245.6](#).

² See [8 CFR 209.1\(d\)](#) and [8 CFR 209.2\(e\)](#).

³ To help minimize any increased burden of an interview, interviews are scheduled at field offices with jurisdiction over the case based on the applicant's place of residence to facilitate his or her appearance at interviews. Additionally, USCIS affords applicants 30 days' notice of a scheduled interview as well as the ability to request rescheduling in order to provide opportunities to make any needed scheduling accommodations or other logistical arrangements.

⁴ The previous interview criteria resulted in interviews for approximately less than 5 percent of cases. The limited pool of cases diminished USCIS' ability to develop a uniform baseline for screening and vetting these types of cases as needed to ensure program integrity and align with USCIS' multi-year effort to institute a comprehensive strategy for detecting and preventing fraud and risks of harm to the United States. Further, the expanded criteria aligns more closely with existing interview criteria for INA 245 adjustment (including not only questions of admissibility but also proper processing such as identity verification) and incorporates criteria developed in practice by service center officers in assessing which cases would benefit from an interview.

Policy Highlights

- Updates the list of categories of adjustment of status cases in which USCIS may waive the required interview by removing asylee and refugee adjustment cases from the list.
- Updates and clarifies interview criteria for asylee and refugee adjustment of status cases.

Citation

Volume 7: Adjustment of Status, Part A, Adjustment of Status Policies and Procedures, Chapter 5, Interview Guidelines [[7 USCIS-PM A.5](#)].

Volume 7: Adjustment of Status, Part L, Refugee Adjustment, Chapter 5, Adjudication Procedures [[7 USCIS-PM L.5](#)].

Volume 7: Adjustment of Status, Part M, Asylee Adjustment, Chapter 5, Adjudication Procedures [[7 USCIS-PM M.5](#)].