



December 6, 2021

PM-602-0186

Policy Memorandum

SUBJECT: Rescission of 2020 Policy Memorandum 602-0180: Expanding Interviews to Refugee/Asylee Relative Petitions

Purpose: Effective immediately, U.S. Citizenship and Immigration Services (USCIS) rescinds Policy Memorandum (PM) 602-0180: Expanding Interviews to Refugee/Asylee Relative Petitions, and it no longer guides decisions on pending or newly filed Form I-730, Refugee/Asylee Relative Petitions.

Scope: This rescission of PM 602-0180 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. Further guidance will be forthcoming.

Background: On November 18, 2020, USCIS issued PM 602-0180: Expanding Interviews to Refugee/Asylee Relative Petitions. PM 602-0180 contemplated a phased approach to implementing a general requirement to interview Form I-730 petitioners. Phase 1 was implemented and included interviewing petitioners where both the petitioner and beneficiary are located in the United States. Phase 2 was not implemented but would have included interviewing petitioners where both petitioner and beneficiary are located in a USCIS jurisdiction, but at least one of them (usually the beneficiary) is located in a USCIS jurisdiction abroad. Phase 3 was also not implemented and would have included interviewing petitioners where either the petitioner or beneficiary is located in a Department of State jurisdiction abroad. Each phase was intended to build on the prior phase. USCIS is currently in Phase 1 of implementation. USCIS has determined it will return to its prior practice of conducting interviews for all Form I-730 beneficiaries and reserves the ability to interview I-730 petitioners on a case-by-case basis, consistent with 8 CFR 103.2(b)(9) and Form I-730 instructions.

On February 2, 2021, President Biden issued Executive Order (EO) 14012, *Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans*, 86 FR 8277. Section 3(a)(i) of EO 14012 directs the Secretary of Homeland Security to “identify barriers that impede access to immigration benefits and fair, efficient adjudications of these benefits and make recommendations on how to remove these barriers, as appropriate and consistent with applicable law.”

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In addition, Section 4(a)(iii) of EO 14013, *Rebuilding and Enhancing Programs To Resettle Refugees and Planning for the Impact of Climate Change on Migration*, 86 FR 8839 (Feb. 9, 2021) directs “the review and any revision of policies and procedures regarding the vetting and adjudication of [U.S. Refugee Admissions Program] refugee applicants, including follow-to-join refugee applicants and post-decisional processing, consistent with applicable law.” Section 2(c) of EO 14013 further directs the Secretary of State and the Secretary of Homeland Security to provide recommendations to the President on whether actions taken pursuant to certain immigration-related directives “should be maintained, reversed, or modified, consistent with applicable law and as appropriate for the fair, efficient, and secure administration of the relevant humanitarian program or otherwise in the national interest.”

PM 602-0180 is inconsistent with these EOs because the blanket policy requiring the interviewing of petitioners imposes significant burdens on refugee and asylee populations as well as operational challenges for USCIS without an evident benefit to justify these burdens. For example, if a principal refugee or asylee files a Form I-730 on behalf of more than one beneficiary, that petitioner would potentially be interviewed multiple times. If beneficiaries reside in separate jurisdictions from the petitioner, the beneficiaries may be required to travel to attend their interviews. Additionally, if a petitioner has filed an application for adjustment of status and a Form I-730 petition, the petitioner’s paper-based A-file would need to be circulated among the offices handling both processes, resulting in operational inefficiencies and delays in the adjudication process for both forms.

Furthermore, USCIS has mechanisms currently in place – including the continued discretion to interview Form I-730 petitioners – that are sufficient to carry out robust fraud and security screening without the blanket interview policy imposed by PM 602-0180. Additionally, all I-730 petitioners have already been interviewed by USCIS and extensively vetted through background, identity, and security checks in connection with their primary benefit applications as principal refugees or asylees. A blanket policy requiring an additional interview of this population therefore adds little value in terms of program integrity.

PM 602-0180 stated, “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.” However, based on operationalizing Phase 1 interviews for the past 11 months, the blanket interview policy for Form I-730 petitioners has decreased the efficiency of the adjudication process. The time and resources USCIS are currently dedicating in Phase 1 to interviewing additional Form I-730 petitioners outweigh the time and resources required to issue Notices of Intent to Deny (NOIDs) and Requests for Evidence (RFEs) and to review responses. This dynamic is especially true in the current operating posture, in which USCIS has reduced capacity at field offices to comply with COVID-19 public health measures. Further, in compliance with 8 CFR §103.2(b)(8)(4), RFEs and NOIDs generally give petitioners adequate notice and sufficient information to respond to the evidence request or proposed denial without the need for petitioner interview. Unlike the blanket interview policy described in PM 602-0180, RFEs and NOIDs are only issued in those cases where the adjudicator has identified particular deficiencies in the petition or supporting evidence. The blanket interview policy also would have required interviews in cases with no identified deficiencies in the petition or supporting

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documentation, increasing cost and decreasing adjudicatory efficiency.

An additional issue is the considerable logistical coordination that would have been required in Phase 3 for interviews conducted in tandem by USCIS and the Department of State. This coordination would have been between two different agencies, not just within the Department of Homeland Security. If Phase 3 were implemented, when a beneficiary resides abroad and the petitioner resides in the United States, the beneficiary in some circumstances would have been interviewed by a DOS officer while the petitioner would have been interviewed by a USCIS officer. In these situations, hard copy case information would have been transferred between DOS and USCIS through the National Visa Center. The COVID-19 pandemic has resulted in significant delays in the sending and receiving of hard copy information domestically and internationally. The policy of interviewing most Form I-730 petitioners and having two different agencies interviewing the petitioner and beneficiary impedes access to a fair and efficient adjudication of Form I-730.

Lastly, requiring most Form I-730 petitioners to be interviewed also would have impeded family reunification by delaying the process by which asylees and refugees bring their spouses and children to the United States or regularize their immigration status if already here. The implementation of Phase 1 correlated with a 93% increase from FY2020 to FY2021 in the average time between the filing of the Form I-730 petition and the first interview for domestic beneficiaries.¹ Such delays also prolong the vulnerability to danger and insecurity many asylee and refugee spouses and children face in refugee-producing countries of origin or countries of first asylum.

Prior to the issuance of PM-602-0180, USCIS (or legacy INS) never had a blanket policy to interview all Form I-730 petitioners or any explicit criteria to guide the determination of whether a petitioner should be interviewed in a particular case. In fact, it was extremely rare in practice for USCIS offices to determine there was a need to interview a petitioner in order to properly adjudicate a Form I-730. USCIS acknowledges that PM 602-0180 originally stated, “the benefits of expanding interview requirements for petitioners outweigh resource concerns.” PM-602-0180 set out a phased approach to the implementation of the blanket interview requirement for Form I-730 petitioners. USCIS was still in Phase 1 of implementation when EOs 14012 and 14013 were issued. Given the limited capacity of USCIS field offices in response to the COVID-19 pandemic at the time PM-602-0180 was issued and continuing to date, as well as the need to balance caseloads, USCIS has not interviewed a significant percentage of Form I-730 petitioners pursuant to PM-602-0180 under the current phase of implementation. However, based on the cases in which USCIS has interviewed Form I-730 petitioners, we have not identified any case in which the petitioner’s interview affected the determination of the beneficiary’s eligibility or

¹ According to the DHS Office of Performance and Quality, the average number of days from receipt to first interview for Form I-730 petitions filed on behalf of beneficiaries located in the United States increased from 357.8 in FY2020 to 692.0 in FY2021 (up to July 21, 2021). While the average number of days from last interview to a decision on the petition decreased from 56.6 days in FY2020 to 34.9 days in FY2021, the significant increase in the time between receipt and first interview accounts for the net increase of 312.5 days in the overall average processing time for domestic Form I-730 petitions from receipt to decision. USCIS also notes that Phase 1 was implemented during the COVID-19 pandemic, which may account for some portion of the increase in processing times.

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impacted either the petitioner's current status or eligibility for prospective status.

Based on the greater understanding of impacts after operationalizing Phase 1, as well as a consideration of EOs 14012 and 14013, USCIS has determined that the benefits do not outweigh the costs to USCIS and the additional, unmerited burden on the public. This is especially true because of USCIS's continuing authority to require any applicant or petitioner to appear for an interview. *See* 8 CFR 103.2(b)(9) ("USCIS may require any applicant, petitioner, sponsor, beneficiary, or individual filing a benefit request, or any group or class of such persons submitting requests, to appear for an interview and/or biometric collection."). The fact that USCIS has regulatory authority to require an interview for any applicant, petitioner, sponsor, or other individual in connection with an application or petition for immigration benefits and can exercise that authority if and when concerns arise, obviates the need for a blanket requirement for petitioner interviews. In addition, nothing in this memorandum alters USCIS' current policy of interviewing all Form I-730 beneficiaries.

Therefore, USCIS is rescinding PM 602-0180: Expanding Interviews to Refugee/Asylee Relative Petitions.

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

Contact Information: If USCIS officers have questions regarding this memorandum, they should direct them through their appropriate chains of command to the Office of Policy & Strategy.