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**May 02, 2018 – POLICY ALERT** – Documentation of Conditional Resident Status for Investors with a Pending Form I-829 (<http://www.uscis.gov/policymanual/Updates/20180502-EB5CPRDocumentation.pdf>)

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## Chapter 5 – Interview Guidelines

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All adjustment of status applicants must be interviewed by an officer unless the interview is waived by USCIS. <sup>[1]</sup> The decision to waive the interview should be made on a case-by-case basis. The interview enables USCIS to verify important information about the applicant to determine eligibility for adjustment. For family-based applications, USCIS generally requires the Form I-130 petitioner to appear for the interview with the principal adjustment of status applicant. In addition, derivatives are also required to appear regardless of the filing category.

During the interview, the officer verifies that the applicant understood the questions on the application and provides the applicant with an opportunity to revise any answers completed incorrectly or that have changed since filing the application. Any unanswered questions or incomplete answers on the application are resolved at the interview. If information is added or revised, the applicant should re-sign and date the application at the conclusion of the interview. <sup>[2]</sup>

## **A. Waiving the Interview**

### **1. General Waiver Categories**

USCIS officers may determine, on a case-by case-basis, that it is unnecessary to interview certain adjustment of status applicants. The following list includes, but is not limited to, categories of cases where officers may decide to waive an interview: <sup>[3]</sup>

- Applicants who are clearly ineligible; <sup>[4]</sup>
- Unmarried children (under 21 years of age) of U.S. citizens if they filed a Form I-485 on their own (or filed a Form I-485 together with their family's adjustment applications and every applicant in that family is eligible for an interview waiver);
- Parents of U.S. citizens;
- Asylees and refugees who were previously interviewed by a USCIS officer; <sup>[5]</sup> and
- Unmarried children (under 14 years of age) of lawful permanent residents if they filed a Form I-485 on their own (or filed a Form I-485 together with their family's adjustment applications and every applicant in that family is eligible for an interview waiver).

If USCIS determines, however, that an interview for an applicant in any of the above categories is necessary, an officer conducts the interview. Likewise, if USCIS determines that an interview of an applicant in any other category not listed above is unnecessary, then USCIS may waive the interview.

### **2. Military Personnel Petitioners**

USCIS may waive the personal appearance of the military spouse petitioner; however, the adjustment applicant must appear for an interview. USCIS makes every effort to reschedule these cases so that both the petitioner and adjustment applicant can attend the interview before deployment. The adjustment applicant may choose to proceed while the petitioner is abroad.

### **3. Incarcerated Petitioners**

USCIS may waive the personal appearance of a U.S. citizen spouse petitioner who is incarcerated and unable to attend the adjustment of status interview. In these situations, the adjustment applicant must appear for an interview. An officer must take all the facts and evidence surrounding each case into consideration on a case-by-case basis when deciding whether to waive the U.S. citizen spouse petitioner's appearance.

### **4. Illness or Incapacitation**

An officer may encounter instances in which it may be appropriate to waive the personal appearance of an applicant or petitioner due to illness or incapacitation. In all such instances, an officer must obtain supervisory approval to waive the interview.

## **B. Relocating Cases for Adjustment of Status Interviews**

Unless USCIS determines that an interview is unnecessary, the case should be relocated to the field office with jurisdiction over the applicant's place of residence once the case is ready for interview.

The reasons for requiring an interview may include:

- Need to confirm the identity of the applicant;
- Need to validate the applicant's immigration status;
- The applicant entered the United States without inspection, or there are other unresolved issues regarding the applicant's manner of entry;
- There are known criminal inadmissibility or national security concerns that cannot be resolved at a service center;
- There are fraud concerns and the service center recommends an interview;
- The applicant's fingerprints have been rejected twice;
- The applicant has a Class A medical condition that the service center cannot resolve through a Request for Evidence (RFE);
- The applicant answered "Yes" to any eligibility question on the adjustment application, and the service center cannot determine eligibility through an RFE; or

- The service center has not been able to obtain an applicant's A-File, T-File, or receipt file (when the applicant has multiple files).

### C. Interpreters

An applicant may not be fluent in English and may require use of an interpreter for the adjustment interview. At the adjustment interview, the interpreter should:

- Present his or her valid government-issued identity document and complete an interpreter's oath and privacy release statement; and
- Translate what the officer and the applicant say word-for-word to the best of his or her ability without adding the interpreter's own opinion, commentary, or answer.

In general, a disinterested party should be used as the interpreter. An officer may exercise discretion, however, to allow a friend or relative of the applicant to act as interpreter. If the officer is fluent in the applicant's preferred language, the officer may conduct the examination in that language without use of an interpreter.

USCIS reserves the right to disqualify an interpreter provided by the applicant if the officer believes the integrity of the examination is compromised by the interpreter's participation or the officer determines the interpreter is not competent to translate.

### Footnotes

- [^] See [8 CFR 245.6](http://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-11261/0-0-0-24520/0-0-0-24767.html) (http://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-11261/0-0-0-24520/0-0-0-24767.html).
- [^] See [8 CFR 103.2\(b\)\(7\)](http://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-11261/0-0-0-11630/0-0-0-11646.html) (http://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-11261/0-0-0-11630/0-0-0-11646.html).
- [^] See [8 CFR 245.6](http://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-11261/0-0-0-24520/0-0-0-24767.html) (http://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-11261/0-0-0-24520/0-0-0-24767.html). USCIS is not required to waive the interview, even if an applicant falls within one of the categories listed in [8 CFR 245.6](http://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-11261/0-0-0-24520/0-0-0-24767.html) (http://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-11261/0-0-0-24520/0-0-0-24767.html) or in this section.
- [^] See [8 CFR 245.6](http://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-11261/0-0-0-24520/0-0-0-24767.html) (http://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-11261/0-0-0-24520/0-0-0-24767.html) (refers to adjustment applicants clearly ineligible for adjustment of status based on [INA 245\(c\)](http://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-29/0-0-0-7418.html) (http://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-29/0-0-0-7418.html) and [8 CFR 245.1](http://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-11261/0-0-0-24520/0-0-0-24528.html) (http://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-11261/0-0-0-24520/0-0-0-24528.html)).
- [^] An asylee or refugee derivative seeking adjustment of status who was not previously interviewed by a USCIS officer during the asylum or refugee process must be interviewed as part of the adjustment of status adjudication. Such applicants are not eligible for an interview waiver.

Current as of **May 15, 2018**

[← Chapter 4 \(PolicyManual-Volume7-PartA-Chapter4.html\)](#)

[Chapter 6 → \(PolicyManual-Volume7-PartA-Chapter6.html\)](#)



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



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(<https://www.twitter.com/uscis>)



(<https://www.instagram.com/uscis/?hl=en>)



(<https://www.youtube.com/uscis>)



(<http://www.uscis.gov/rss-landing>)

### TOPICS

[Adoption \(http://www.uscis.gov/adoption\)](http://www.uscis.gov/adoption)

[Appeals \(http://www.uscis.gov/about-us/directorates-and-program-offices/administrative-appeals-office-ao/administrative-appeals-office-ao\)](http://www.uscis.gov/about-us/directorates-and-program-offices/administrative-appeals-office-ao/administrative-appeals-office-ao)

[Archive \(http://www.uscis.gov/archive\)](http://www.uscis.gov/archive)

[Avoid Scams \(http://www.uscis.gov/avoid-seams\)](http://www.uscis.gov/avoid-seams)

[Citizenship \(http://www.uscis.gov/us-citizenship\)](http://www.uscis.gov/us-citizenship)

[Citizenship Resource Center \(http://www.uscis.gov/citizenship\)](http://www.uscis.gov/citizenship)

[Executive Actions on Immigration \(http://www.uscis.gov/immigrationaction\)](http://www.uscis.gov/immigrationaction)

[Family \(http://www.uscis.gov/family\)](http://www.uscis.gov/family)

[Green Card \(http://www.uscis.gov/greencard\)](http://www.uscis.gov/greencard)

[History and Genealogy \(http://www.uscis.gov/historyandgenealogy\)](http://www.uscis.gov/historyandgenealogy)

Humanitarian (<http://www.uscis.gov/humanitarian>)  
Military (<http://www.uscis.gov/military>)  
Outreach (<http://www.uscis.gov/outreach/upcoming-national-engagements/outreach>)  
USCIS Electronic Immigration System (<http://www.uscis.gov/uscis-elis>)  
Visit the U.S. (<http://www.uscis.gov/visit-united-states/visit-us>)  
Working in the U.S. (<http://www.uscis.gov/working-united-states/working-us>)

## VERIFICATION

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E-Verify (<http://www.uscis.gov/e-verify>)  
I-9 Central (<http://www.uscis.gov/i-9-central>)  
Self Check (<http://www.uscis.gov/self-check>)  
SAVE (<http://www.uscis.gov/save>)

## POLICIES

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USCIS Freedom of Information Act and Privacy Act (<http://www.uscis.gov/about-us/freedom-information-and-privacy-act-foia/uscis-freedom-information-act-and-privacy-act>)  
No FEAR Act (<http://www.uscis.gov/no-fear-act/equal-employment-opportunity-data-posted-pursuant-no-fear-act>)  
Website Policies (<http://www.uscis.gov/website-policies>)  
Accessibility (<http://www.uscis.gov/accessibility>)  
Social Media Policy (<http://www.uscis.gov/social-media/social-media-policy>)  
Plug-ins (<http://www.uscis.gov/website-policies/plug-ins>)  
Adobe Reader (<http://www.adobe.com/reader>)

## GOVERNMENT

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Passports ([http://travel.state.gov/passport/passport\\_1738.html](http://travel.state.gov/passport/passport_1738.html))  
Visa Bulletin (<https://travel.state.gov/content/visas/en/law-and-policy/bulletin.html>)  
U.S. Department of Homeland Security (<http://www.dhs.gov>)  
DHS Office of Inspector General (<https://www.oig.dhs.gov>)  
U.S. Customs & Border Protection (<http://www.cbp.gov>)  
U.S. Immigration & Customs Enforcement (<http://www.ice.gov>)  
White House (<http://www.whitehouse.gov>)  
U.S. Department of State (<http://www.state.gov>)  
USA.gov (<http://www.usa.gov>)

### USCIS Contact Center

1-800-375-5283

**For people who are deaf, hard of hearing, deaf/blind or have speech disabilities which require accommodation:**

(TTY) / ASCII: **800-877-8339**, Voice: **866-377-8642**

Video Relay Service (VRS): **877-709-5798**