

AUGUST 30, 2017

USCIS TO IMPLEMENT ADDITIONAL HURDLES TO ADJUSTMENT OF STATUS PROCESS

On August 29, 2017, U.S. Citizenship and Immigration Services ("USCIS") announced that adjustment of status applications based on employment and refugee/asylee petitions will be subject to in-person interviews with immigration officers beginning October 1, 2017.

USCIS POLICY CHANGE

Although Department of Homeland Security ("DHS") regulations provide a legal basis for requiring all adjustment of status applicants to attend in-person interviews, USCIS previously waived these interviews for adjustment of status applications based on employment and refugee/asylee petitions.

According to USCIS, this change in policy complies with Executive Order 13780, "Protecting the Nation From Foreign Terrorist Entry Into the United States," and the broad strategy to enhance the integrity of the immigration system through increased detection and prevention of fraud. By expanding the use of in-person interviews, USCIS intends to provide immigration officers with additional opportunities to verify information provided in adjustment of status applications, discover new information relevant to the adjudication process and ascertain the credibility of adjustment of status applicants.

Although this change of policy is currently limited to adjustment of status applications based on employment and refugee/asylee petitions, USCIS may incrementally expand the use of in-person interviews to other categories in the future.

PRACTICAL TAKEAWAYS

At this time, it is unclear whether every adjustment of status application based on employment or refugee/asylee petitions will be subject to an in-person interview or whether in-person interviews will be scheduled on a case-by-case basis. Regardless, employers should prepare for increased costs and delays in the adjustment of status process.

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