

In-Person Interviews for Employment-Based Adjustment Applicants

August 28, 2017

On August 28, 2017, [USCIS announced](#) that starting October 1, 2017, it would begin eliminating its interview waiver policy for employment-based adjustment of status cases, and start requiring in-person interviews.

[Read the USCIS Announcement](#)

[8 CFR 245.6](#) establishes a general rule that all adjustment applicants must be interviewed in person, unless USCIS waives that requirement. For many years, though, USCIS has waived on a blanket basis the in-person interview requirement for employment-based adjustment of status applicants. USCIS Policy Manual [interview waiver guidelines](#) state that for employment-based adjustment cases, USCIS would generally waive the interview if:

- › The principal applicant is employed by the same petitioner who submitted the approved underlying employment-based immigrant visa petition or is eligible for adjustment portability;
- › The principal applicant has been approved as a person of extraordinary ability or exceptional ability and is otherwise eligible for adjustment of status;
- › The principal applicant has been approved as an outstanding professor or researcher, or a multinational executive/manager and has a continuing offer of employment from the same petitioner who submitted the underlying approved petition; or
- › The principal applicant received a national interest waiver based on performing primary medical care to a medically underserved area who demonstrates that he or she intends to continue according to the terms and conditions of the underlying petition.

Under the new USCIS policy announced on August 28, 2017, however, most employment-based adjustment of status applicants will have to attend an in-person interview as part of the adjustment process after October 1, 2017. USCIS states that this change "complies with [Executive Order 13780](#), 'Protecting the Nation From Foreign Terrorist Entry Into the United States,' and is part of the agency's comprehensive strategy to further improve the detection and prevention of fraud and further enhance the integrity of the immigration system."

[Executive Order 13780](#) is the same order that contains the [Section 2\(c\) 90-Day Entry Bar](#), the [Section 2\(e\) Indefinite Entry Bar](#), and the [Section 9\(a\) Suspension of Visa Interview Waiver Program](#). The new policy also appears related to the [March 6, 2017 Presidential Memorandum on Heightened Screening, Vetting, and Enforcement](#), which directed the immigration-related agencies to to implement protocols and procedures "that in their judgment will enhance the screening and vetting of applications for visas and all other immigration benefits."

VISAS AND VETTING

[National Vetting Center](#)

[Proclamation 9645 Indefinite Entry Bar](#)

[EO 13780 Section 9\(a\) Suspension of Visa Interview Waiver Program](#)

[Discontinuance of Visa Issuance Under INA 243\(d\)](#)

[EO 13802 Deleting 3-Week Go-Home for Visa Interview Appointments](#)

[Form DS-5535, Supplemental Questions for Visa Applicants](#)

[March 6, 2017 Presidential Memorandum on Screening, Vetting, Enforcement](#)

[DOS Cable: Heightened Screening and Vetting of Visa Applications](#)

[In-Person Interviews for Employment-Based Adjustment Applicants](#)

[Stricter F-1 Residence Abroad Language in FAM](#)

[DOS Expands 30/60 Day Presumption of Misrepresentation Rule to 90 Days](#)

[Enhanced Security Standards for U.S.-Bound Flights](#)

[Current Immigration Executive Actions](#)

[DOS Foreign Affairs Manual - 9 FAM Visas](#)