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## Practice Tips for Lawyers and Clients Preparing for a VAWA Interview<sup>1</sup>

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Starting in December 2024, USCIS began conducting interviews for certain VAWA self-petitioners who have **both an I-360 and an I-485 pending**.<sup>2</sup> Not all VAWA self-petitioners will be interviewed, and individuals with stand-alone I-360s will not be interviewed at this time. USCIS announced this change in November 2024 in response to several recent criminal proceedings regarding VAWA fraud, stating that it believes conducting interviews in select cases will help maximize the effectiveness and integrity of the VAWA program. As of February 2025, practitioners are not reporting significant numbers of interviews.

AILA's VAWA, Us, and Ts committee has compiled the following tips to help practitioners support VAWA self-petitioners through this additional layer of review while safeguarding their rights. As immigration attorneys, we must strategically prepare VAWA clients for such interviews, ensuring their claims are well-supported and eligibility clearly demonstrated. Effective and ethical representation of VAWA clients begins, of course, with proper screening of potential clients, clearly explaining to them the proposed remedy, and only filing VAWA petitions for those who meet eligibility requirements. Upholding ethical standards is essential to protect the integrity of the VAWA program and preserve access to relief for genuine survivors of domestic violence.

### **Ensure Client Readiness Before the Interview**

- **Clarify Interview Expectations.** Prepare your client for the possibility of an interview while explaining that selection for an interview is not an automatic indication of an issue with their case. Ensure that clients with stand-alone I-360s understand they are not currently impacted by this change, as *only* VAWA self-petitioners with both a pending I-360 and I-485 may be selected for interview, according to USCIS's announcement.
- **Clarify Non-Derogatory Nature of Selection.** Reassure clients that selection for an interview does not imply suspicion or misconduct. USCIS is primarily using this as a tool to ensure program integrity and manage the increased caseload.
- **Educate Clients on Attendance Requirements.** Emphasize that failure to appear for the interview may lead to case denial. If rescheduling is necessary, follow the instructions on the notice promptly to avoid adverse outcomes.
- **Prepare Client for Specific Questions.** Advise the client on the types of questions they may encounter, particularly around the details of the abuse, the relationship with the abuser,

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<sup>1</sup> This document was prepared by Sonia Parras Konrad and Alison Kamhi, Immigrant Legal Resource Center; and the AILA VAWA, Us, Ts Committee.

<sup>2</sup> See AILA Practice Alert, *USCIS Will Begin Conducting Interviews for Certain VAWA Self-Petitioners*, [AILA Doc. No. 24111834](#).

and the applicant's knowledge of the basis for filing their VAWA self-petition. Help them practice clear, concise, and honest responses. Consider running a mock interview with the client to familiarize them with the process and alleviate anxiety.

- **Address Fraud Awareness Proactively.** Given the publicity surrounding VAWA fraud, educate clients about USCIS's heightened scrutiny and re-familiarize them with their case file so that they can demonstrate strong, authentic evidence of eligibility and credibility.
- **Monitor Safe Address and Communication Channels.** USCIS will mail interview notices to the self-petitioner's **safe address** and the legal representative. Verify client contact details and update addresses with USCIS as needed to avoid missed notices.<sup>3</sup>

### **Ensure Case Readiness Before the Interview**

- **Review A-File Thoroughly.** Before the interview, review the applicant's entire A-File and case history, including any previous filings, evidence submitted, and any discrepancies. Best practice is to submit FOIA requests for the client's A-File prior to the initial filing so you have as complete a picture as possible of the client's immigration history. Before the interview, you will want to review the A-File again for anything that could come up. Be prepared to address potential questions about the details of the abuse and the applicant's eligibility for VAWA relief as well as the adjustment of status application. Review both the I-360 and I-485 applications to ensure consistency in the client's testimony regarding their eligibility for both forms of relief.
- **Ensure Proper Documentation.** Confirm that all evidence supporting the VAWA self-petition (e.g., police reports, affidavits, medical records, witness statements) as well as the adjustment application is up-to-date and included in the A-File. Any missing or incomplete documents should be addressed in the interview to prevent a denial or delay.

### **Prepare for Success During the Interview**

- **Accompany Client to Interview.** Attorneys and DOJ accredited representatives can and should accompany self-petitioners to provide legal support during interviews. A legal representative's presence may help the self-petitioner feel more comfortable and ensure their rights are protected. If there is no possibility of legal representation during the interview, advocate to have a domestic violence advocate present.<sup>4</sup>
- **Advocate for Presence of a DV Advocate.** If necessary, advocate for the presence of a domestic violence advocate or support person during the interview to provide additional

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<sup>3</sup> In November 2024, USCIS stated that calling the USCIS Contact Center is the best way for a VAWA self-petitioner to update their address with USCIS. See [AILA Doc. 25011607](#). Legal representatives may also help a self-petitioner update their address by emailing the hotline at [HotlineFollowUpI360.vsc@uscis.dhs.gov](mailto:HotlineFollowUpI360.vsc@uscis.dhs.gov).

<sup>4</sup> On December 3, 2024, the Alliance for Immigrant Survivors (AIS) and partners sent a letter to USCIS regarding VAWA self-petitioner interviews at USCIS Field Offices. In its January 7, 2025 response posted in [USCIS's Electronic Reading Room](#), USCIS indicated that "officers have discretion to consider reasonable requests regarding who may be present during the interview and in the waiting room."

emotional support for the client, especially if sensitive questions are asked.<sup>5</sup> Request in advance and document whether the survivor has PTSD or any other trauma-related condition that could be alleviated by having their advocate present during the process.

- **Secure Interpretation.** Recruit an interpreter ahead of time and work with the interpreter to ensure accurate interpretation. Avoid interpreters that may be perceived as biased or unsafe, especially in small communities. Prepare client for the possibility that USCIS may use its own telephonic interpreter even if your interpreter is present.
- **Consult on Trauma-Informed Strategies.** If the client has significant trauma or PTSD, consider consulting a mental health professional or trauma expert to help develop strategies for managing anxiety or stress during the interview.
- **Request Breaks as Needed.** Take as many breaks as the client needs. If the interviewing officer does not grant reasonable requests for a break, ask to speak to a supervisor.

### **Prepare for Evolving Practices**

- **Stay Tuned for USCIS Guidance.** USCIS may release further updates or information. Check the USCIS website and local listservs for updated information about the new interview process.
- **Review Cases.** Proactively review your pending VAWA cases to look for any inconsistencies or missing documents to address before issuance of an interview notice to avoid delay or denial.
- **Submit Records Requests.** File FOIA and other records requests for any A-Files, immigration documents, or criminal records you do not already have for new or existing clients.
- **Track Case Processing Order.** Since interview selection may not follow a first in, first out model, clients may see variations in timing. Manage expectations of clients and staff and ensure cases are progressing as anticipated by following up with the USCIS hotline when appropriate.

### **Conclusion**

The new VAWA interview process requires strategic preparation and client-centered, trauma-informed advocacy. By guiding clients through these interviews with empathy and ensuring their cases are well-documented, we can help maintain the integrity of the VAWA program and protect access to relief for survivors. Staying proactive and committed to ethical practice will be key to navigating these changes and securing justice for those we represent.

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<sup>5</sup> See *supra* note 4.