

## Part D: PETITIONS FOR SPECIAL IMMIGRANT JUVENILES (SIJ)

### Interview

USCIS has broad discretion to waive the interview for a petitioner for SIJ classification for children under the age of 14; if the petitioner is clearly ineligible or if it is determined that an interview is unnecessary. See 8 CFR 103.2(b)(9).

### NBC Determination

Prior to referring a case to a Field Office for an interview, the NBC will consider whether an interview is likely to resolve whatever issue may warrant the case being referred for an interview. The reason(s) for any referral for field interview and/or FDNS (Field Office/FDNS or NBC/FDNS) investigation must be clearly articulated in a memo to the Field Office. The memo will outline in detail the specific reasons for referral and what actions were taken by NBC to resolve the issues.

If the record contains sufficient information and evidence to grant the petition an interview will not be required, thereby eliminating unnecessary interviewing of vulnerable children. Where there is sufficient evidence to merit a denial of the petition the NBC may issue the decision without referral to a field office for interview.

The decision to initiate a referral for field interview and or a referral to FDNS will take into account the full context of training provided to adjudicators, relevant policy and operational guidance, and consideration of the record in its entirety.

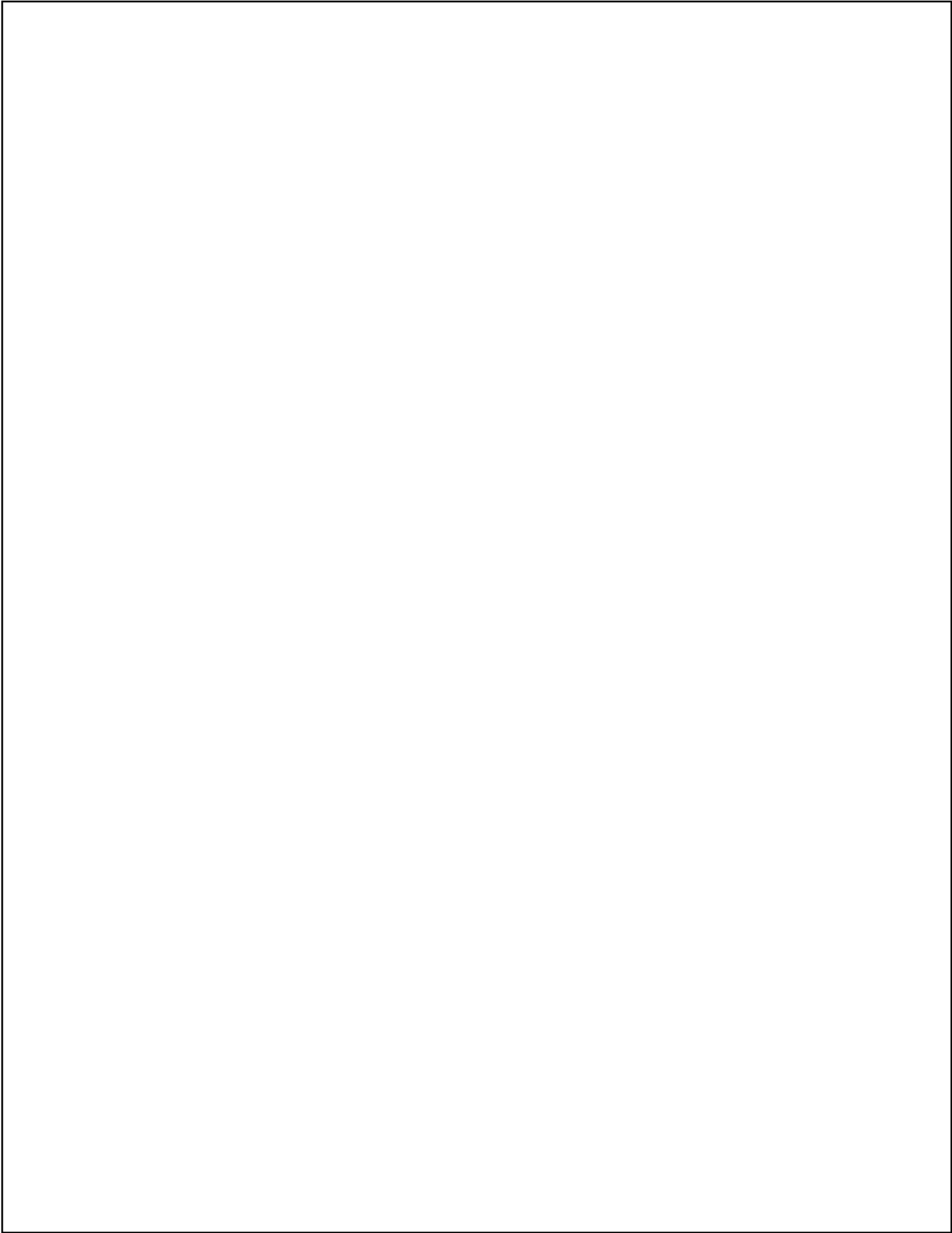
### Interview Waiver/Field Referral Criteria:

The below chart serves as a guide in determining when USCIS will waive an interview versus sending it to the field for an interview and adjudication and/or FDNS assistance

If the case...	then the case...	Additional Guidance:
Contains sufficient information to determine eligibility and exercise consent; and	May be interview-waived and the NBC adjudicates the petition	Identity will be established using the evidence in the ROP and through data systems checks (CIS, C-3, CCD, etc.).
Contains a petitioner/applicant with an established identity; and		When applicable, identity should be corroborated by background/security checks.

<p>Has no derogatory information to indicate fraud; and</p> <p>Has no public safety concerns; and</p> <p>Has no national security concerns</p>		<p>The petition will be evaluated for derogatory information, public safety, and national security concerns based on background/security checks and the Record of Proceeding (ROP) and through /data systems checks (CIS, C-3, CCD, etc.).</p>
<p>Has anomalies related to eligibility, identity, fraud, public safety, or national security</p>	<p>Must be reviewed by the NBC for potential resolution, and/or referral to the NBC Background Check Unit (BCU)/Fraud Detection National Security (FDNS) for further processing</p> <p>The case may then be referred for interview and/or to FDNS, or interview-waived as appropriate.</p>	<p>NBC will attempt to resolve identity anomalies by research and/or issuance of an RFE for additional documentation. Anomalies involving fraud, public safety concerns, or national security are referred for vetting BCU/FDNS. The NBC will determine as to whether the issue is resolved by the NBC using a RFE or NOID, or requires additional field assistance.</p>
<p>Contains <i>unresolved</i> eligibility, identity, fraud, public safety, or national security issues</p>	<p>Must be referred to the field for interview and/or FDNS</p>	<p>Resolution will be attempted by NBC prior to referral.</p>
<p>Is missing information needed to determine eligibility, exercise consent, or has discrepancies <i>unresolved</i> by internal NBC review, RFE, or NOID which require further explanation</p>	<p>Must be referred to the field for interview</p>	<p>Resolution will be attempted by NBC prior to referral.</p>

(b)(7)(e)



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