



December 21, 2011

# Executive Summary

## USCIS Teleconference on Overseas Filing of Form I-130, Petition for Alien Relative October 28<sup>th</sup>, 2011

### Background

Effective August 15, 2011, petitioners residing in countries without USCIS offices are required to file Form I-130 with the USCIS Chicago Lockbox. Petitioners residing in a country with a USCIS office have the option of sending their Forms I-130 to the Chicago Lockbox or filing their Forms I-130 at the international USCIS office having jurisdiction over the area where they live. Additionally, in emergent situations, USCIS may authorize the Department of State to accept and adjudicate cases at an embassy or consulate.

In previous engagements, USCIS committed to monitoring the progress of the new Form I-130 filing process. During this teleconference held on October 28<sup>th</sup> 2011, USCIS provided updates on the implementation of the process changes and provided filing tips for petitioners filing with the Lockbox. In addition, USCIS had a question and answer session and listened to stakeholders' feedback and concerns. This session was for USCIS to listen to the views and comments of individual stakeholders and was not used for the purpose of obtaining group or consensus advice

### USCIS Updates and Filing Tips

#### Exceptional Circumstances

USCIS previously issued an [interim policy memorandum](#) regarding emergent situations justifying filing a Form I-130 with the Department of State. The memorandum lists examples of exceptional circumstances such as: military emergencies, medical emergencies, threats to personal safety, cases close to aging out, cases where the petitioner has recently naturalized, and cases involving the adoption of a child. USCIS emphasized that this list is by no means exhaustive and that the merits of each case will be considered individually.

The interim policy memorandum does not specifically mention as an exceptional circumstance members of the business community whose job requires them to relocate on short notice. However, USCIS believes that the current policy is broad enough that members of the business community facing relocation on short notice would qualify to file with the Department of State where there is no USCIS presence. USCIS will explicitly include members of the business community in exceptional circumstances within the final policy memorandum. In addition, USCIS has authorized blanket

processing of immediate relative Forms I-130 filed on behalf of Syrian or Libyan nationals residing abroad. This will allow a petitioner residing abroad to file for a beneficiary of Syrian or Libyan nationality at the U.S. Embassy or Consulate that has jurisdiction over the petitioner's place of residence.

Thus far, the majority of requests to file Form I-130 with the Department of State fall under three categories: military emergencies, medical emergencies, and cases where the petitioner has recently naturalized. Approximately twenty-five percent of the requests to file with the Department of State fall under the "other category."

USCIS typically makes the decision on whether a petitioner can file the Form I-130 with the Department of State in a matter of days. Thus far, the approval rate for the requests to file with the Department of State is around sixty-six percent. Denials were for predominantly two reasons: the USCIS adjudicator found there were no exceptional circumstances or there was a claim of a medical emergency, but no documentation was provided to substantiate the claim. USCIS encourages petitioners to include as much supporting documentation with their request as possible.

#### Filing with a Lockbox

At this time, the rejection rate at Lockboxes for Form I-130s filed from overseas is approximately five percent. This five percent is low in comparison with the rejection rate of other forms. Once a filing is rejected, the entire package, including the check, is returned to the petitioner. The returned materials will include an explanation of the deficiency which precluded the Lockbox from accepting the petition. To help reduce unnecessary rejections at a Lockbox, USCIS would like to offer the main reasons why Form I-130s are rejected:

- **The Form I-130 is not signed or is signed in the wrong place**
- **The check is either missing or is for the incorrect amount**
- **Petitions are filed in a language other than English**
- **The second page of the Form I-130 is missing**
- **The form is not fully completed**

USCIS also offers [general filing tips](#) on its website and encourages stakeholders to read the [Form I-130 instructions](#) before submitting their petition. USCIS reminds stakeholders that the signature on the Form I-130 must be original; however, there is no requirement from USCIS to provide originals of birth certificates or passports at the time of filing.

#### Adjudications at a Service Center

Once a file is received by a Lockbox, it will be sent to a USCIS Service Center for adjudication. Thus far, the approval rate for Forms I-130 filed from abroad is approximately sixty-two percent. This is similar to Forms I-130 filed domestically. USCIS's goal is to adjudicate all Forms I-130 within five months of their receipt. Currently, USCIS is well within its 5-month goal.

### **Stakeholder Feedback**

- **Return to Old Process**

Several stakeholders questioned why this new process is being implemented and voiced that they would like to see the old practice of routine filing with the Department of State reinstated. Stakeholders expressed concerns that the new process will result in an increase in processing times that will cause families to be separated as well as harm U.S. businesses ability to compete in a global market.

USCIS stated that the centralization of filing Form I-130s reduces costs. USCIS was billed approximately \$3 million in fiscal year 2010 by the Department of State for the service of adjudicating Form I-130 at embassies and consulates overseas. By centralizing the adjudication of Form I-130 at our domestic service centers, USCIS controls the costs to the agency and ensures our existing fee schedule appropriately covers these costs. Less than 5% of total Form I-130 filings have historically been overseas, and only about half of those are filed with the Department of State at locations where USCIS has no presence. Trained and experienced USCIS officers at domestic Service Centers are best equipped to adjudicate of this small group of forms most efficiently and consistently.

USCIS strives to balance customer needs with being good stewards of our resources. USCIS understands that for some stakeholders this change might result in longer processing times. However, it might also benefit stakeholders where travelling to a U.S. Embassy or Consulate is difficult. We want to minimize the impact of this change on the customer and that is why USCIS has implemented a process for exceptions for petitioners to file with the Department of State in emergent situations. In addition, as USCIS moves to an electronic environment our goal is that the Form I-130 will be available to file electronically; however, that process is not yet available.

- **Lack of Engagement**

A number of stakeholders were unaware of the changed procedures until recently, and expressed concern that there had not been sufficient outreach. Prior to this engagement, USCIS hosted three stakeholder engagements on this same topic in [November 2010](#), [June 2011](#), and [August 2011](#). The previous engagements allowed stakeholders the opportunity to provide input in advance of implementing the revised procedures and allowed USCIS to answer their operational and procedural questions. During these previous engagements, USCIS heard feedback concerning emergent situations and addressed it in our [interim policy memorandum](#). USCIS has reviewed all of the valuable stakeholder feedback provided and is in the process of finalizing this memorandum.

USCIS continually seeks to improve our outreach efforts, if you have suggestions on how we can better serve and inform stakeholders please email us at [public.engagement@dhs.gov](mailto:public.engagement@dhs.gov). In addition, if you would like to receive regular updates from USCIS, including information on upcoming national engagements, please visit our website at [www.uscis.gov](http://www.uscis.gov). Please scroll down to the bottom-right side of the page and enter your email address in the box labeled “receive email updates.”

## USCIS Speakers

- **Rachel Ellis**, Community Relations Chief, Office of Public Engagement
- **Jerry Rigdon**, Branch Chief, Family and Status, Service Center Operations
- **Joanna Ruppel**, Chief, International Operations Division
- **Kathleen Stanley**, Chief, Office of Intake and Document Production