



# Questions and Answers

## USCIS International Operations – American Immigration Lawyers Association (AILA) Meeting

### Overview

On January 18, 2017, USCIS International Operations Division representatives from the Athens Field Office discussed issues related to operations and various services, including Form I-130, transportation letters, and biometrics. The information below provides a review of USCIS' responses to the questions that AILA asked.

### General Operations

1. During our meeting in May 2016, USCIS Athens advised that three U.S. citizen staff members and two locally engaged staff currently work at the USCIS Athens Field Office.<sup>1</sup> Please advise if any significant staffing changes are anticipated in the near future.

**Response:** No significant changes to staffing are anticipated in the near future.

2. During our meeting in May 2016, USCIS Athens advised that no major workload changes had occurred due to the closing of USCIS Vienna. USCIS Athens also advised that the bulk of the work completed by that field office includes refugee processing, including Form I-602 waivers, military processing, and Form I-130 local processing. Please advise if any significant workload changes have occurred.

**Response:** No significant changes to office workload have occurred to date. The bulk of our workload remains refugee processing, refugee requests for review, Form I-602 waivers, and Form I-130s.

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<sup>1</sup> USCIS Minutes from the AILA/USCIS Athens Field Office Meeting (5/4/16), AILA Doc. No. 16090233, <http://www.aila.org/membership/communities/chapters/rome-district/liaison-activity/uscis-minutes-athens-field-office-meeting-05-04-16> and Q&As from the AILA/USCIS Athens Field Office Meeting (5/4/16), AILA Doc. No. 16052502, <http://www.aila.org/membership/communities/chapters/rome-district/liaison-activity/q-a-athens-field-office-meeting-05-04-16>

3. During our meeting in May 2016, USCIS Athens advised that the field office does not currently use InfoPass but is looking into the possibility.<sup>2</sup>

a. Please advise if USCIS Athens has reviewed this possibility further and if use of InfoPass in Athens is anticipated in the future.

**Response:** We are still considering possibly implementing InfoPass i. However, given the small number of in-person appointments in Athens, we determined that it may not be necessary at this time.

b. Additionally, it was discussed that the increase in USCIS workload of now issuing boarding letters/transportation letters may be the reason that the InfoPass system may be necessary. Please advise whether USCIS Athens feels that the processing of this additional product line has resulted in the need for InfoPass appointments.

**Response:** To date, the increase in workload from USCIS taking on the issuing of transportation letters in Athens has been minimal and has not resulted in the need for InfoPass.

4. In May 2016, USCIS Athens confirmed that public hours are Monday through Friday from 8:30 am to 11:45 am, and that USCIS Athens does not accept walk-ins. Additionally, the website indicates that an appointment is required to visit USCIS Athens.

a. Please clarify if an appointment is needed during walk-in hours.

**Response:** USCIS Athens does not have walk-in hours. All in-person interactions are by appointment only during public hours.

b. If not, under what circumstances would an appointment be required?

**Response:** See answer above.

## Communications

5. At our meeting in May 2016, USCIS Athens advised that inquiries via email were the preferred method. Additionally, USCIS Athens clarified that goal processing times for email inquiries was 5 business days, but most emails are responded to within 2-3 business days. Please advise if any of these timeframes have changed.

**Response:** These are still the timeframes that USCIS Athens endeavors to meet for all email inquiries.

## Biometrics

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<sup>2</sup> Greece – USCIS Athens Field Office, <https://www.uscis.gov/about-us/find-uscis-office/international-offices/greece-uscis-athens-field-office>

6. According to the USCIS Athens web page, fingerprinting services may be available for overseas applicants in “rare” circumstances.<sup>3</sup> During our meeting in May 2016, USCIS Athens advised that no such requests had been made. As AILA understands this option is fairly new in nature, please advise whether USCIS Athens has now received any such requests and if so, whether those requests were approved.

**Response:** Please go to our [office’s public webpage](#) and under “Office Services,” please select the tab labeled “Fingerprint Collection” to see in what circumstances and for what form types we may be able to collect fingerprints overseas. To date, we have received no requests for fingerprint services from applicants in Greece. We have received requests from applicants residing in other countries within the jurisdiction of the Athens Field Office. When appropriate and possible, we have worked with local U.S. embassies and consulates to have the Department of State capture fingerprints. When the U.S. embassy or consulate is not able to capture fingerprints in these situations, the Athens Field Office will assess requests to provide biometric services on a case by case basis.

#### **Form I-407**

7. Some individuals wishing to file a Form I-407 are also interested in obtaining a nonimmigrant visa after USCIS adjudicates the Form I-407. USCIS advises that people can file Form I-407 applications by scheduling an appointment or by mailing in the application.<sup>4</sup>

In May 2016, USCIS Athens advised that general processing times for Form I-407s filed by mail is 30 days of adjusted processing times; however, at times, there is a backlog on these applications. Please advise if there is a current backlog for Form I-407s filed by mail with USCIS Athens.

**Response:** There is currently no backlog of Form I-407s at the Athens Field Office.

#### **I-130 Petitions**

8. The USCIS Athens web page advises that Form I-130 petitions must be filed in person.<sup>5</sup>
  - a. During our meeting in May 2016, USCIS Athens advised that it is preferred for the U.S. citizen petitioner and the beneficiary to both attend the appointment. In general, that is not difficult for individuals living in Athens; however, for those living outside of the Athens area, it can be time consuming and quite expensive for the petitioner and beneficiary to both make the trip to file the Form I-130.

If a beneficiary is unable to make the trip due to the time and expense, will USCIS be able to adjudicate the case or will USCIS require all beneficiaries to attend an appointment at USCIS? [Please note: We understand the beneficiary will be required

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<sup>3</sup> Greece – USCIS Athens Field Office, <https://www.uscis.gov/about-us/find-uscis-office/international-offices/greece-uscis-athens-field-office>

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<sup>5</sup> *Id.*

to attend the visa interview with the State Department. We are inquiring here about the Form I-130 appointment with USCIS only.]

**Response:** In general, we prefer that both the petitioner and beneficiary are present at the time the Form I-130 is filed, but we can and have made exceptions on a case by case basis. If at all possible, the petitioner should let us know that the beneficiary cannot attend at the time he or she schedules the appointment and the reasons why the beneficiary cannot attend

- b. In May 2016, USCIS Athens advised that some locally filed Form I-130 cases are denied when applicants cannot prove that they are both living in Greece. According to the [notice by USCIS on August 15, 2011](#), USCIS stated that “Petitioners residing in a country with a USCIS office may send their petitions to the USCIS Chicago lockbox or file at the USCIS office in that country.” As such, AILA understands that the requirement to file locally in Greece (or at any USCIS office abroad) is that the filing must be submitted in the country where the U.S. citizen lives, and it is not required that the beneficiary also live in-country.<sup>6</sup>

Understanding that there may be a scenario where the U.S. citizen lives in Greece and the beneficiary in some other location (for example, some other country in Europe), please confirm that the U.S. citizen may still file the Form I-130 locally and USCIS will not reject the Form I-130 for improper filing.

**Response:** In the circumstances indicated above, the U.S. citizen petitioner residing in Greece would still be eligible to file the Form I-130 with USCIS Athens.

- c. Please also confirm that a beneficiary in such a scenario as mentioned above will be able to consular process in the country in which he/she resides or if the beneficiary will be required to consular process through Greece.

**Response:** In the scenario mentioned above, the Form I-130, if approved, would be forwarded to the embassy or consulate indicated on Question #22 of the Form I-130. However, note that designating a U.S. Embassy or consulate outside the country of the relative’s last residence does not guarantee that the post will accept it for processing. Acceptance is at the discretion of the designated embassy or consulate.

- d. Same-sex marriage is not legal in Greece, but many same-sex couples do get married in a third country despite residing in Greece. Please advise if the USCIS Athens office sees many Form I-130s based on same-sex marriage. If not, does USCIS Athens have any concerns with processing same-sex cases, as long as the marriage was legal in the country where ?

**Response:** We have seen very few of these cases. As a general matter, the law of the place where the marriage was celebrated determines whether the marriage is legally

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<sup>6</sup> USCIS Centralizes Filing of Form I-130, (Aug 15, 2011), <https://www.uscis.gov/news/uscis-centralizes-filing-form-i-130>

valid for immigration purposes. Just as USCIS applies all relevant laws to determine the validity of an opposite-sex marriage, we will apply all relevant laws to determine the validity of a same-sex marriage. The domicile state's laws and policies on same-sex marriages will not bear on whether USCIS will recognize a marriage as valid.

- e. In previous meetings with USCIS IO in Washington, DC, AILA has been advised that there is no longer a particular residency timing requirement (such as the petitioner living in-country for 6 months) before someone can file the Form I-130; however, the following link continues to indicate that a 6-month requirement is in place.  
<http://photos.state.gov/libraries/greece/38517/USCIS/I-130-instructions-English2017.pdf>

Please confirm that despite the requirement that the U.S. citizen must live in Greece, there is no need for the petitioner to reside in Greece for 6 months before submitting the Form I-130. Please also have the checklist updated by removing the 6 month requirement. [NOTE: It appears the checklist is on the Department of State's website; however, it is on USCIS letterhead and does reflect the increased filing fee of \$535, which took effect on December 23, 2016. As such, it would appear to be an "updated" document.]

**Response:** That is correct. There is no requirement that the petitioner reside in Greece for a set period of time before filing Form I-130. However, the petitioner will need to provide evidence of residence in Greece. Please see our [public webpage](#) for more information on what types of evidence should be submitted. We will work to get the language on the website updated.

## Transportation Letters

9. During the meeting in May 2016, USCIS Athens advised of the upcoming change with processing transportation letters. Although the change has taken place, AILA understands that there are locations abroad where CBP and ICE continue to process some of the transportation letters. As such, please verify that USCIS Athens is currently processing all transportation letters that are submitted in Greece, and that CBP, ICE, and the State Department do not process some of those applications.

**Response:** USCIS Athens processes all requests for transportation letters submitted in Greece.

10. In May 2016, USCIS Athens advised that the volume of transportation letter applications submitted in Athens was fairly low (less than 5 a week). Please advise if the new Form I-131A and new process has caused an increase, a decrease, or no change of the number of such applications.

**Response:** There has been no significant change in the volume of requests filed with USCIS Athens.

11. According to the USCIS Athens web page, Form I-131A fees must be paid online.<sup>7</sup> AILA has received reports from AILA members where there has been difficulty in submitting the payment for the Form I-131A fee. Can USCIS Athens advise whether they have been alerted to similar issues by local applicants?

**Response:** We have had a few instances where this occurred but, in general, we have been able to help walk the applicant through the process to successfully submit the fee online or have someone else pay the fee for them.

12. AILA members have also reported difficulty when completing the Form I-131A if there is a foreign billing address. As many U.S. qualified attorneys practice abroad, complications have arisen when assisting applicants with completing the Form I-131A. Please advise on how applicants under similar circumstances might be able to submit the Form I-131A.

**Response:** To date, we have not had this issue at the Athens Field Office. If a customer in our office's jurisdiction encounters this problem, the customer should reach out to our office and we will work with the customer and/or USCIS International Operations Headquarters to help resolve the matter, as appropriate.

### **Military Naturalizations**

13. Does USCIS Athens have any upcoming trips scheduled for naturalization ceremonies in the region covered by the Athens Field Office?

**Response:** We currently have no upcoming naturalization ceremonies scheduled, as we have not received any Form N-400s.

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<sup>7</sup> Greece – USCIS Athens Field Office, <https://www.uscis.gov/about-us/find-uscis-office/international-offices/greece-uscis-athens-field-office>