



Questions and Answers

USCIS Meeting with the American Immigration Lawyers Association (AILA)

October 31, 2013

Overview

On October 31, 2013, the USCIS National Benefits Center (NBC) hosted an engagement with AILA representatives. USCIS addressed questions related to NBC initiatives, staffing updates, processing times, and Form I-601A statistics, among several other topics. The information below provides a review of the questions solicited by AILA and the responses provided by USCIS.

Questions and Answers

New NBC Initiatives, Staffing Updates and Follow-up Items

1. Please provide updates on new NBC initiatives that are currently in process or are scheduled.

Response: To facilitate adjudication of I-130's, the NBC is in the process of moving the I-130 petitions to Service Centers to balance the overall operational workload. We anticipate that this will reduce the wait time for applicants to have these forms adjudicated. When the forms are sent to Service Centers, the applicant (and his representative) will receive a transfer notice, and a letter telling them why their case has been transferred and asking them to wait 60 days before inquiring about the status of their case. New filings will be routed automatically to the Service Centers from the Lockbox.

2. Please provide an update on any key staffing changes that have taken place since our last engagement on May 10, 2013.

Response: There have been no major staffing changes since our last engagement.

3. What is the status of the transition of all Forms I-130 (including stand-alone Forms I-130) to the NBC's Overland Park facility?

Response: Please see answer to question number 1 above.

4. What is the status of having the processing times for all Forms I-130, including those forwarded to a field office, posted on the USCIS Processing Time Information webpage?¹

Response: As of Oct. 16, 2013, the processing times for all MSC receipted applications (including those sent to a field office) are posted on the USCIS website. As the I-130s are moved to the Service Centers for processing, the processing times will appear for those Service Centers.

5. What progress has the NBC made to arrange for the posting of the processing times for each interview-waiver eligible Form I-485, including those forwarded to a field office, on the USCIS Processing Time Information webpage?²

Response: Currently the NBC does not have sufficient personnel to adjudicate the interview waiver I-485s to completion. The NBC does the pre-processing for the interview waiver I-485s and then transfers the applications to the Field Offices for adjudication. Field Offices request IW 485s based on their processing capacity. The processing goal for all I-485s is 4 months.

6. Please explain how interview-waiver eligible Forms I-485 are assigned to USCIS field offices. Which cases are being sent to the field offices? Is notification of a file transfer to the field office sent to the applicant?

Response: Interview-waiver eligible Forms I-485 are pre-processed at the NBC for the field. Field offices request these cases based on their capacity to adjudicate them. Notification of the file transfer is not sent to the applicant.

7. Many of the inquiries that the AILA NBC Committee receives involve cases that are pending beyond the posted processing times. Often, the response from the NBC is that the case has been transferred to the field office for interview, contrary to the information provided by the USCIS online case status system. If attorneys or applicants were to call the NCSC number for a status update or confirmation of the location of the file, will those officers be able to inform the attorney or applicant of the file transfer? In other words, do NCSC officers have access to the same information as the NBC?

Response: At this time Tier 1 NCSC officers do not have access to the same information as the NBC, and they would not be able to tell if the file was transferred. Tier 2 NCSC officers do have access to the same systems and will be able to inform the applicant or attorney of a file transfer.

Processing Times

8. What is the NBC's processing time goal and actual processing time for Forms I-130?

Response: As of Oct. 16, 2013, the processing time for I-130s was posted on the USCIS processing goal webpage. The current processing date posted is Oct. 1, 2012. The processing goal for I-130s is 5 months.

9. What is the NBC's processing time goal and actual processing time for Forms I-601A?

¹ <https://egov.uscis.gov/cris/processTimesDisplayInit.do>

² See *Id.*

Response: As this is a new product that has been worked for a little over 6 months USCIS has not set an official processing goal for the I-601As. On average it's currently taking 109 days from receipt at the Lockbox to completion.

10. What is the NBC's processing time goal and actual processing time for Forms I-90?

Response: The NBC's processing time for I-90 applications is currently six months. The processing goal is 3.5 months.

11. What is the NBC's processing time goal and actual processing time for interview-waiver eligible Forms I-485?

Response: Currently the NBC does not have sufficient personnel to adjudicate the interview waiver I-485s. The NBC does the pre-processing for the interview waiver I-485s, and they are subsequently sent to the Field Offices for adjudication. The processing goal for all I-485s is 4 months.

12. When should an applicant expect a response from the NBC after documents requested have been submitted in response to an RFE? What is the recommended course of action for inquiring on status if no response is received from the NBC after that time period?

Response: Because circumstances can vary significantly, there is not a set time frame in which an applicant should expect a response from the NBC after documents have been submitted in response to an RFE. Adjudication of a particular form type after documents have been submitted depends upon multiple factors including: current priorities for adjudication by form type; whether all the information requested was received; denials resulting from an RFE may need to be reviewed by a supervisor; and so forth. The applicant should continue to check Case Status on Line, and if more than 94 days has passed since the date of the original RFE, the applicant could call the National Customer Service Call Center.

Provisional Waivers (Form I-601A) – Statistics

The following statistics for I-601As reflect the time frame of March – September 27, 2013.

13. How many I-601A applications have been filed to date in FY2013?

Response: A total of 23,949 have been filed; 18,642 have been accepted by the Lockbox.

14. How many I-601A applications have been approved to date in FY2013?

Response: 3,952 have been approved.

15. How many I-601A applications have been issued a Request for Evidence (RFE) in FY2013?

Response: 1,766 have been received an RFE.

16. How many I-601A applications were denied without issuance of an RFE in FY2013?

Response: 2,210 have been denied without being issued an RFE.

17. How many I-601A applications were approved after a response to an RFE was submitted in FY2013?

Response: 582 cases have been approved after an RFE response was received.

18. How many I-601A applications were denied based upon a “reason to believe” a ground of inadmissibility may exist?

Response: USCIS can deny a provisional unlawful presence waiver application if USCIS has “reason to believe that an individual may be subject to grounds of inadmissibility other than unlawful presence under section 212(a)(9)(B)(i)(I) or (II) at the time of the immigrant visa interview with the Department of State.” 8 CFR 212.7(e). USCIS has denied 1,107 cases based on the standard noted above.

19. USCIS may reopen a provisional waiver case and deny or approve the waiver at any time if it finds that the decision was issued in error. 8 CFR § 212.7(a)(4)(v). USCIS has stated that it will follow the requirements of 8 CFR § 103.5(a)(5) before reopening a case and denying a waiver application.³

a. To date, how many approved waiver cases have been reopened? How many of these cases have been denied? How many have been affirmed?

Currently we do not maintain that data.

b. To date, how many denied waiver cases have been reopened based on alleged Service error? How many of these cases have been approved? How many have been affirmed?

Currently we do not maintain that data.

c. To date, how many denied waiver cases have been reopened based on new or additional evidence? How many of these cases have been approved? How many have been affirmed?

Currently we do not maintain that data.

Provisional Waivers (Form I-601A) – Adjudication, Requests for Evidence, Denials⁴

20. AILA has recommended to its members that pages for cases with voluminous supporting documentation be numbered and exhibit lists cross-referenced.⁵ In discussions with the NBC, you have indicated you would work to provide acknowledgement of receipt and review of the evidence

³ See 78 Fed. Reg. 536, 553-54 (Jan. 3, 2013).

⁴ On January 24, 2014, USCIS published [revised guidance](#) pertaining to applicants for provisional unlawful presence waivers involving applicants with criminal history. Please refer to this guidance for the most recent information on the adjudication of Form 601-A, Application for Provisional Unlawful Presence Waiver.

⁵ AILA InfoNet Doc. No. 13072740 (posted Jul. 27, 2013).

submitted. Have you noticed that more Form I-601A submissions (or other petitions/applications) are now being numbered? If so, has this been an effective and welcome practice to adjudicators in locating evidence supporting the I-601A? What other case compilation and formatting tips does NBC recommend for AILA members to facilitate the ease and effectiveness of processing and adjudicating Forms I-601A?

Response: There are no reporting methods to capture information regarding whether more I-601A submissions are being received with numbered exhibits since the last AILA meeting. USCIS welcomes the categorization of like-evidence in order to facilitate effective I-601A processing.

21. Members report receiving denials of I-601A provisional waiver applications without prior issuance of a Request for Evidence (RFE). We understand the applicant must establish eligibility at the time of filing and the application "must be properly completed and filed with all initial evidence required by applicable regulations⁶ and other USCIS instructions."⁷

Response: The regulations for the provisional waiver program state "DHS is committed to issuing RFEs to address applications it receives that are missing critical information related to extreme hardship or if the applications are missing critical information related to whether the alien merits a favorable exercise of discretion. USCIS officers also retain the discretion to issue an RFE on any issue or subject matter, if the adjudicator believes that additional evidence will aid in the adjudication. DHS anticipates that most RFEs will focus on extreme hardship and any factors that may establish that the applicant warrants a favorable exercise of discretion."⁸

The June 3, 2013 Policy Memorandum (PM-602-0085) on Requests for Evidence and Notices of Intent to Deny discusses RFEs: "RFEs. If not all of the required initial evidence has been submitted or the officer determines that the totality of the evidence submitted does not meet the applicable standard of proof, the officer should issue an RFE unless he or she determines there is no possibility that additional evidence available to the individual might cure the deficiency." The RFE response time is 30 days, thus not a lengthy delay in the overall adjudication process.

- a. Does the NBC consider all documentation noted in the Form I-601A instructions in pages 8-11, including the information on extreme hardship at pages 10-11 of such instructions, as initial evidence to be submitted with any I-601A?

Response: Yes, the evidence listed in pages 8-10 of the I-601A instructions is considered initial evidence, as are the items in pages 10-11 that are applicable to the qualifying relative's extreme hardship.

- b. What is the NBC policy for RFE issuance with respect for Forms I-601A?

Response: As stated in the final rule, DHS is committed to issuing RFEs to address applications that are missing critical information related to extreme hardship or

⁶ Regulations related to the Provisional Waiver of Unlawful Presence are found at 8 C.F.R. §214.7.

⁷ 8 C.F.R. § 103.2(b)(1)

⁸ 78 FR 553 (Jan. 3, 2013)

applications that are missing critical information related to whether the individual merits a favorable exercise of discretion. USCIS officers also retain the discretion to issue an RFE on any issue or subject matter, if the adjudicator believes that additional evidence will aid in the adjudication. The NBC follows these guidelines for RFE issuance in the I-601A context. Adjudicators are permitted to exercise their discretion to issue RFEs in accordance with these guidelines and based on the particular facts and evidence submitted with the I-601A.

- c. Please explain the reasoning behind denying a Form I-601A without first issuing a Request for Evidence?

Response: See response to 21(b) above. Adjudicators are not required to issue an RFE before denying a Form I-601A. Whether to issue an RFE is discretionary and dependent on the facts of each individual case. We recommend that in submitting the I-601A, the applicant include all information that may be germane to explaining hardship. Including specific information is always helpful, including an explanation of the information by the applicant and/or their attorney.

- d. What Supervisory review is undertaken before the decision is issued?

Response: At this time all denial decisions undergo supervisory review before the final decision is issued. 100% approval review is conducted on all such decision made by new officers until such time as their supervisor determines review is no longer necessary.

- e. We understand adjudication of Forms I-601A is discretionary and if the I-601A is denied there is the possibility of re-filing. If an adjudicator senses or acknowledges that extreme hardship exists but the application lacks sufficient evidence, would it not be prudent to issue a Request for Evidence to provide the applicant an opportunity to clarify issues when the Adjudicating Officer has noted some deficiencies and then review the response prior to issuing a decision? Issuing an RFE instead of a denial is more efficient to preserve USCIS resources and serve the program's goals of minimizing undue separation periods of loved ones if a re-file was not required.

Response: See response to 21 (b) and (c) above.

- 22. From our engagement with the NBC on May 10, 2013, we understand that Form I-601A adjudicators consult with the Department of State (DOS) on inadmissibility issues.

Response: USCIS I-601A adjudicators do not consult with the Department of State on inadmissibility issues. Answers to the questions below explain our relationship with DOS.

- a) Is this consultation ongoing in the processing of Forms I-601A and does it extend to individual cases?

Response: The Department of State was an active participant in the development of the Provisional Unlawful Presence Waiver Rule and the discussion on the application of Extreme Hardship. However, USCIS does not consult with the DOS on the application of Extreme Hardship for individual cases.

- b) Does the NBC share with DOS documentation submitted by the applicant to address issues that could trigger or rebut a “reason to believe” that a ground of inadmissibility exists?

Response: No, USCIS does not provide specific case information or documentation to the DOS except the final decision (approval or denial).

23. At our May 10, 2013 meeting, we discussed when filing a Form I-601A the submission of documentation which may explain or help establish that another possible ground of inadmissibility under INA 212(a) does not apply. e inadmissible under INA §212(a). In some instances the FBI background check reveals a “hit” for an offense which has no effect on admissibility, such as an arrest and dismissal, or where the offense clearly qualifies for the petty offense exception of INA §212(a)(2)(A)(ii). While we understand the purpose of the “reason to believe” standard, it appears that the overly-broad application of this standard may have negatively impacted the volume of I-601A filings and curtailed the objectives of this program.⁹

- a) If an I-601A applicant has a criminal offense but the application is submitted with an FBI report, documentation from the applicant’s criminal record or other relevant evidence, and an explanation of how the offense would not trigger inadmissibility under INA §212(a)(2) or would qualify for the petty offense exception under INA §212(a)(2)(A)(ii), does the NBC consider such evidence in its review of the application and whether there is “reason to believe” the applicant is inadmissible for reasons other than unlawful presence? If such documentation establishes by a preponderance of the evidence that a criminal ground of inadmissibility does not apply, will the NBC approve the I-601A, assuming there are no other ineligibility factors?

Response: USCIS will deny a provisional unlawful presence waiver application if USCIS has “reason to believe that an individual may be subject to grounds of inadmissibility other than unlawful presence under section 212(a)(9)(B)(i)(I) or (II) at the time of the immigrant visa interview with the Department of State.” 8 CFR 212.7(e).

As applied in the I-601A context, this means any conduct or actions that may make an individual subject to another ground of inadmissibility at the time of the immigrant visa interview will make the individual ineligible for a provisional unlawful presence waiver. However, a denial does not equate to a definitive finding of inadmissibility. DOS makes the finding of inadmissibility as part of the immigrant visa process.

Recently, stakeholders and advocacy groups have asked USCIS to reconsider its position on this standard, especially in cases involving criminal history or other grounds of inadmissibility that would clearly not be disqualifying because they would fall under a statutory exemption or exception.

USCIS and DHS are currently discussing the issues. In the meantime, USCIS has put these cases on hold. We currently have around 2200 cases being held.

- b) If an I-601A applicant provided a false name or date of birth when he or she was apprehended at the border for attempting to enter without inspection, but the application is submitted with a

⁹ See 78 Fed. Reg. at 535, 536 (setting forth the intended goals of efficiency between USCIS and DOS as well as reducing uncertainty and reluctance of applicants to pursue the process).

report or FOIA response from CBP or another agency that describes the use of the false name and surrounding circumstances, or any other relevant evidence, and an explanation as to why the incident would not trigger inadmissibility, does the NBC consider such evidence in its review of the application and whether there is “reason to believe” the applicant is inadmissible for reasons other than unlawful presence? If such documentation establishes by a preponderance of the evidence that the misrepresentation was not made to procure a visa, documentation, admission into the U.S. or other immigration benefit and therefore does not trigger inadmissibility under INA §212(a)(6)(C), will the NBC approve the I-601A, assuming there are no other ineligibility factors?¹⁰

Response: See response above.

Adjustment of Status – File Transfer

24. If an applicant has a Form I-485 pending with the NBC based on a Form I-130, but would like to transfer the basis of the I-485 to another petition type (such as an approved I-140 with a current priority date or an approved I-360), how is that accomplished? Is there a dedicated e-mail or mailing address? What documents must accompany the request? Will there be any acknowledgement that such a request has been processed?

Response: For guidance relating to the transfer of basis, please refer to the Adjudicators Field Manual (AFM) at Section 23.2(l)(2) of the Adjudicator’s Field Manual. Section 23.2(l)(2) states the following:

- A new application to adjust status based on a different eligibility category is not required.
- The request for conversion from one eligibility category to a different eligibility category must be made in writing.
- The applicant must be eligible for the change from one basis to another, and
- There must be no break in the continuity of the underlying eligibility for adjustment prior to the submission of the conversion request.

The written request to transfer the basis of eligibility of a pending I-485 application should be sent to the office where the pending application is located. If the pending I-485 application is located at the NBC, the correspondence should be addressed: National Benefits Center, P. O. Box 648004, Lee’s Summit, Missouri 64002.

If an attorney representative wishes to request assistance with a transfer of basis case, he or she may call the National Customer Service Center, or an AILA Committee Member may contact NBC to request assistance.

Use of a P.O. Box for Address

¹⁰ See *e.g.*, Memorandum, “USCIS Immigrant Waivers, Procedures for Adjudication of Form I-601 for Overseas Adjudication Officers” (Apr. 28, 2009) at 34-35 (allowing an applicant to rebut an inference of 212(a)(6)(C)(i) through the submission of evidence to prove otherwise).

25. Is a P.O. Box an acceptable address for an applicant to use on immigration forms, specifically Form I-765, Application for Employment Authorization?¹¹ Some applicants or attorneys live in rural areas where the U.S. Postal Service refuses to deliver mail to a physical address, and any mail addressed to a physical residence is simply returned to the sender. If the applicant lists a P.O. Box in an application and provides an explanation that mail cannot be delivered to a physical residence, please confirm that the application can and will be processed without the issuance of an RFE requesting a physical address.

Response: On a case by case basis the NBC will review requests by the applicant to mail an EAD to the applicants PO Box. If there is an explanation as to why the card must be sent to a PO Box the NBC will send the card to the PO Box, but the physical address is always required. In cases where a physical address is not also provided with an explanation that mail may not be received at the physical address, the NBC will issue an RFE for the physical address.

Expedites

26. For expedited advance parole requests, applicants have been previously advised to make an InfoPass appointment with their local USCIS field office and to bring the I-131 receipt notice, two passport style photos, and supporting documents. In situations, where an InfoPass appointment is not available or the field office is not easily accessible, is it possible to submit an expedited advance parole request to the NBC? If so, what are the procedures for doing so?

Response: An applicant, or their representative, may call the National Customer Service Center (NCSC) at 1-800-375-5283. A referral will be sent to the NBC by the Contact Representative taking the call. If an expedite request is made for a pending I-131 application, through the NCSC, the NBC will respond within five business days. The NBC will review the reason for the request, determine if the request meets the requirements of the USCIS Expedite Criteria, and process the request accordingly.

Advance Parole for Third-Country Immigrant Visa Processing

27. Currently, USCIS field offices accept and adjudicate applications for advance parole (Form I-131) filed by foreign nationals in the U.S. with approved I-130 petitions and immigrant visa applications pending at an overseas third-country U.S. consular post (as opposed to the foreign national's home country post), either because the third-country post has been designated with "homeless" jurisdiction, or has accepted discretionary jurisdiction over the foreign national's immigrant visa application. Advance parole is necessary to allow the foreign national to return to the U.S. in the event the immigrant visa cannot be issued and to facilitate the foreign national's ability to secure the proper visa needed to enter the third-country. Will the NBC accept advance parole applications filed under these circumstances?

Response: No.

¹¹ USCIS Public Release: P.O. Box is More Accurate than Street Address for Mail Delivery in the CNMI (<http://www.aila.org/content/default.aspx?docid=30742>) AILA Doc. No. 09120866 (posted 12/08/2009). We note that the instructions for Form I-824 request a physical address where a P.O. Box may not be used and a mailing address where a P.O. Box can be used.

National Records Center (Answers to the following questions were provided by the National Records Center who agreed to join this call.)

- 28.** If an employer petitioner includes confidential or sensitive company information in an RFE response or initial application and the document is stamped “Confidential Commercial Information – Do Not Disclose under FOIA,” will the information and/or documentation be redacted in a response to a FOIA request by any party other than the petitioner?

Response: USCIS follows DHS FOIA regulations at 6 C. F. R. 5.8 in processing FOIA requests for business information that is submitted to USCIS. A restrictive legend which appears on a document, while indicative that the submitter views such information as protected from disclosure, is not controlling.

- 29.** Do FOIA officers have access to biometric data? If so, may a completed FD-258 fingerprint card of the A-file subject be submitted to help in the records search?

Response: No, FOIA personnel do not have access to DHS systems which contain biometric data.

- 30.** What is the best way to obtain a permanent resident’s passport and Form I-551 Permanent Resident Card that was confiscated by local police, turned over to ICE, and subsequently sent to the NRC? Should a Form G-884, Request for Return of Original Documents be filed? How long does this process take? If the applicant has no other identity documents other than those that were confiscated, what documentation of identity can be submitted?

Response: The Form G-884 is for requesting the return of an original document that was submitted to USCIS to establish eligibility for an immigration or citizenship benefit. However, if you are requesting the return of an original document that was submitted to USCIS under different circumstances, you may choose to use the Form G-884 and USCIS will consider each request on a case by case basis

USCIS –AILA Engagements

- 31.** AILA continues to value the opportunity to speak with representatives of the NBC and NRC to discuss issues of mutual interest to USCIS and its stakeholders. Our committee is interested in learning how we can improve our engagements with you. We welcome your comments, complaints and suggestions. Thank you.

Response: Thank you for your commitment to work together on issues to benefit Stakeholders of USCIS. We do not have anything to offer at this time regarding how AILA can improve, complaints or suggestions.

Additional AILA Questions were discussed during the Oct. 31 call. These included:

- 1. F2A Adjustments (spouses & children of LPRs):** The F-2A category recently became current or cut off of 08Sept2013 for all countries of chargeability. Many applicants have concurrently filed I-130/I-485 cases in this category and the applications were not rejected at the lockbox. We have noticed

that stakeholders are receiving RFEs (MSC1391626378, MSC1391638496, MSC1391619028, MSC1391638885, MSC1391726005) requesting proof that the petitioner is a USC. These RFEs are incorrect because the petitioners are not USCs – they are LPRs. AILA has filed specific case inquiries, so you may be aware of and already resolved the issue. I suspect this was a RFE template issue that needed correcting/updating, or if not corrected would you please look into, correct/update?

Response: USCIS is aware of this issue and is taking steps to remedy the problem. When the NBC is notified about cases where USCIS issued an incorrect RFE, the NBC will make the appropriate adjustment in the file. The NBC has already taken proactive steps to address this issue. We have identified the files that may have incorrectly received an RFE. All of these cases that are otherwise ready for interview are being made available to the field office for scheduling. However, it is still advisable to respond to an RFE in order to avoid delays in processing. Additionally, we are working on modifying the check list to address concurrent filing based on immediate availability of visas in a preference category.

If AILA members have cases with an incorrect RFE, please submit the receipt numbers of these cases to the NBC and the NBC will review them and make appropriate adjustments in the file.

2. **Documentation of Admission:** We are hearing reports that NBC is requiring printed I-94s for applications even though an applicant has included the passport stamp to document admission and, if the Form I-94 is not included with the initial filing, a RFE is issued. I'm assuming this to mean either a copy of the paper Form I-94 or the CBP print out of the electronic Form I-94. I recall we discussed this issue during our November 30, 2012 engagement (Q.5) and you indicated:

Response: NBC continues to check for one or more of the following in its checklist review process: I-94, stamped passport page, stamped I-512, border crossing card, I-797 Approval Notice for I-102. The Field Office makes the final determination on each case as to whether an applicant was inspected and admitted or paroled. NBC will also check available systems for evidence of inspection and admission or parole. However, lack of evidence from the applicant and our systems may result in a denial.

- a.) Has this policy changed? Is this a RFE template issue or training issue? Would you like AILA to issue a practice advisory encouraging applicants to include the CBP print out of the electronic Form I-94 along with a copy of the applicant's passport (identity page, visa page, admission stamp page) with any filings requiring documentation of admission?

Response: NBC continues to accept the following documents as evidence of an inspection and admission or parole (need only one type):

- an I-94
- passport page with the entry stamp
- I-512 with arrival stamp
- Border crossing card (if from Mexico or Canada)
- I-797 Approval Notice for I-102

3. **I-130 approvals indicating "adjustment of status" when Consular Processing requested:** This has been an on-going issue since the stand-alone I-130s were routed to USCIS Field Offices for adjudication. We think when the adjudicator sees the beneficiary has a U.S. address (as one would

if a I-601A would subsequently be filed) it is presumed adjustment of status is contemplated even though the I-130 in Question 22 indicates consular notification. Likely this issue will be resolved when Forms I-130 have been routed to the Nebraska, Texas and California Service Centers for adjudication. If a reminder could be sent to adjudicators not to assume adjustment of status is requested, but to verify the indication in Question 22 of the I-130, it would be helpful.

Stand-alone Forms I-130 processed by the Field Office: It is USCIS practice to send stand-alone I-130 petitions requesting consular processing to the National Visa Center regardless of the beneficiary's address. You can certainly indicate again on the petition that you are requesting consular processing, to help ensure the correct approval phrase is selected by the officer for the approval notice and the correct routing to the NVC occurs. We also reached out to field leadership to make them aware of this issue when we received this question this summer. They were going to reach out to the field offices to remind them of the correct routing.

Response: If you could provide examples of cases (including receipt numbers) where this situation has occurred, it will help us identify exactly what the issue is, which in turn will allow us to identify a resolution. It would also be helpful to have some indication of the number of occurrences that have been reported to AILA, so we have some sense of the size of the problem.