



August 17, 2011

Implementation of Domestic Filing of I-130s for Certain Overseas Petitioners: 90-Day Monitoring Period

As of Monday, August 15, 2011, petitioners residing in countries without USCIS offices must file their Form I-130, Petition for Alien Relative, with the U.S. Citizenship and Immigration Services (USCIS) lockbox facility in Chicago.

During the first 90 days of this new process, USCIS will monitor and assess the implementation of the changed procedures to identify any areas where additional updates to our policies would be appropriate. We have posted for [public comment](#) a memorandum outlining some of the circumstances that may warrant expedited processing of a Form I-130 by the Department of State at a local embassy or consulate where USCIS does not have a presence. USCIS already has received comments and, in response, is assessing whether the list of factors under which petitioners will receive expedited processing at a post should be expanded. USCIS is mindful of the real-life impact that the change in the processing of the Form I-130 might have in particular cases and, accordingly, will be issuing guidance to its adjudicators to ensure that the equities of each case are duly considered in determining whether a case warrants expedited local processing.

USCIS has received many inquiries relating to the implementation of the rule, the reasons why USCIS has changed these procedures, and the impact of this change on certain citizens abroad. While these concerns have been contemplated and addressed, there may be need for additional clarification. USCIS remains committed to a transparent process, including robust opportunity for engagement. In fact, in addition to the 60 day comment period invited for the rule, USCIS provided three opportunities for engagement and input, prior to the implementation of the new filing requirement.

In addition to reviewing the current guidance allowing expedited processing, USCIS will publish an executive summary that will detail the comments and feedback received during our most recent stakeholder engagement. Finally, USCIS will host another stakeholder engagement within the next 45 days to ensure we have accurately identified and addressed, to the extent possible, the concerns raised by our stakeholders on this issue.

Background

On May 17, 2011, USCIS published a final rule in the [Federal Register](#) amending its regulations to remove references to where the Form I-130 may be filed, accepted and processed. The new Form I-130 instructions require that petitioners residing in countries without USCIS offices file their Form I-130 at the USCIS lockbox facility in Chicago. One purpose of the rule was to reduce costs to the Department of Homeland Security by reducing filings of the Form I-130 at international locations. Provisions of the Economy Act allow government agencies to charge other government agencies for the delivery of

services. For the first time, in fiscal year 2010 USCIS was billed approximately \$3 million by the Department of State for the service of adjudicating Form I-130 at their embassies and consulates overseas.

Given these additional costs, we reviewed our overseas services and operations to determine ways to improve resource management. By centralizing the adjudication of Form I-130 at our domestic service centers, we can control the costs to the agency and ensure our existing fee schedule appropriately covers these costs. In a new fee study we will assess whether to resume the service of adjudicating Form I-130 at embassies and consulates overseas at a price that would cover the costs newly imposed upon USCIS.

In November, 2010, USCIS engaged with stakeholders before publishing the rule in the *Federal Register*. More than 200 stakeholders joined the conference call, representing a wide array of public interests. During the [initial engagement](#), we heard a number of concerns including filing procedures, processing times, response times for correspondence, emergency/humanitarian circumstances, customer service and fraud. In our implementation of this process change, we considered all of these factors in developing our revised procedures. In particular, USCIS addressed the feedback in relation to [response times](#) and [emergency/humanitarian issues](#) by developing policy guidance that was posted for public comment. In June 2011, just after the rule was published, USCIS held a [second opportunity](#) for public input. USCIS values public input and looks forward to continued engagement on this issue moving forward.