



July 1, 2011

Executive Summary

USCIS Stakeholder Engagement: Forms I-130 and I-601 Process Changes for Petitioners Residing Overseas

Overview

On June 6, 2011, USCIS International Operations, the Office of Policy and Strategy, the Office of Public Engagement, and Service Center Operations hosted a stakeholder engagement to discuss issues related to procedural changes in filing forms I-130 and I-601 for Petitioners residing overseas.

Principal Themes

Form I-130, Petition for Alien Relative Procedural Changes

On May 17, 2011, USCIS published a rule in the Federal Register removing regulatory restrictions on where a Form I-130 may be filed. See 76 Fed Reg 95 (17 May 2011), pp. 28303-28305. The rule requires that all petitioners, no matter whether they live in the United States or overseas, file a Form I-130 according to the form instructions. See new 8 CFR 204.1(b). This change will become effective on August 15, 2011. USCIS will amend the form instructions for Form I-130 concurrently with this rulemaking to provide the option of either mailing the petition to the USCIS Chicago Lockbox, or filing at the USCIS international office if the petitioner resides in a country where USCIS has an office. Stakeholders inquired as to whether there would be any additional costs with the change in filing location for the Form I-130, which will not be the case. Additionally, petitioners requested information on the processing time for the Form I-130 if it is to be filed at an overseas office versus at the lockbox. Representatives from USCIS International Operations indicated that the processing times for overseas offices will depend on their work load and for cases filed at a Lockbox, it is yet to be determined what the processing times will be.

Form I-601 Procedural Changes

USCIS has been in the process of reviewing how the Form I-601 is filed by applicants residing overseas. We have recently implemented a change to our overseas locations whereby the Form I-601 is filed with USCIS at locations where we are co-located with the Department of State. This has been done in an effort

to increase efficiency and cost effectiveness, while decreasing the processing time that's needed to await documentation to be forwarded from Department of State. The general process will remain unchanged except that when an individual files for a Visa with the Department of State, once the Consular Officer makes the determination that the individual is inadmissible to the United States, that individual would be asked to submit the Form I-601 to a USCIS employee at a different window at the embassy rather than returning it to the Department of State Consular Officer as previously done. USCIS is also considering the possibility of having applicants mail their Form I-601's directly to a lockbox in the United States rather than filing it overseas. However, please note that this option is not currently available.

Stakeholders provided positive feedback on the impending change indicating that their goal is to have their relative rejoin them in the United States as soon as possible and they were in favor of cutting down the processing time by filing their Form I-601 directly with USCIS.

Expedite Requests for Form I-601

USCIS also recently implemented new expedite request procedures for the Form I-601 filed by individuals outside the United States. Requests for Expedited Adjudication of Form I-601 must include evidence to verify the reason for the urgency of the application. Once submitted, USCIS will not be providing notices of receipt, however the request will be reviewed within 5 business days and if the underlying waiver can be approved, applicants will be notified within 10 business days. If the request for expedite is not approved, there will not be a notice sent to the applicant to inform them and the case will be adjudicated within the normal processing times.

Stakeholders inquired as to whether there would still be 'fast tracking' of cases at the Ciudad Juarez office. Due to the high volume of cases filed at the Ciudad Juarez office, the same process that is currently being followed at Ciudad Juarez will continue.

Stakeholders inquired about the wait time for adjudication of Form I-601 at overseas offices. The general processing time is within six months, however there are several offices that have a backlog and their case processing times may be slightly longer. USCIS International Operations is working on reducing the backlog at these offices.

Stakeholders also inquired as to whether individual case status information would be available soon for overseas offices. RAIO Representatives indicated that they are working to that end; however it is currently not available due to the amount of man power it would take to keep that information up to date. However, in the next few weeks, processing times by form type for each overseas office will be posted online.

Next Steps

Written comments on the change in procedures for filing Form I-130 will be accepted until July 18, 2011. USCIS will publish the new form instructions in August 2011.