



**U.S. Citizenship  
and Immigration  
Services**

**Consular Notification**  
Service Center Operations  
Stakeholder Teleconference  
February 1, 2012



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# Introduction

Consular Notification: When a petition is approved and the beneficiary elects consular processing the Service Center will forward the approved petition to the Department of State.

- Non-immigrants process through the Kentucky Consular Center
- Immigrants process through the National Visa Center



# Overview

## Part 1 Vermont Service Center

- Slide presentation on how the Service Centers notify the Department of State when a nonimmigrant petition is approved.
- Question and answer period

## Part 2 California Service Center

- Slide presentation on how the Service Centers notify the Department of State when an immigrant petition is approved.
- Question and answer period



# KCC Processing of Petition for Nonimmigrant Worker (Form I-129)

- File a second copy of the petition and supporting documentation
  - Include a cover letter. Notate: KCC Copy, Please Forward to KCC after approval.
- Once adjudicated, the second copy is also annotated and stamped by the officer.
- The second copy is sent to the Kentucky Consular Center (KCC).
- The original copy remains a part of the USCIS record.



# Visa Processing of Petition for Nonimmigrant Worker (Form I-129)

- Service Centers forward the second copy to the KCC:
  - Petitions are sent regular mail and generally take 7 to 10 business days to reach the KCC.
- The KCC separates the petitions into four different visa categories:
  1. Electronic and Paper Expedites by email and fax within 1 business day
  2. O,P,T,U Classifications - within 3 business days
  3. H, L, R, Non COS/EOS Petitions - within 5 business days
  4. COS/EOS Petitions All Visa Classes - within 10 business days



# KCC Processing of Petition for Nonimmigrant Worker (Form I-129)

- The KCC scans the duplicate into the Petition Information Management System (PIMS).
- US Embassies or Consulates access the petition through the PIMS system.
- Once the information is in PIMS, it is available electronically to all consulates and embassies.



# I-129 Filings Requesting Consular Processing

- A second copy should be included with *every* petition
  - This includes a second G-28, if applicable.
- When responding to a Request for Evidence or an Intent issued by USCIS, include two copies of your response.
- If a second copy is not provided, the Service Center will not make one.



# I-129 Filings Extension of Status

- An I-129 beneficiary does have the ability to travel while an EOS request is pending.
- If the beneficiary is outside the United States at the time the EOS petition is approved, he/she may be able to consular process, if the information has been uploaded into PIMS.





# I-129 Beneficiaries should be proactive

- Prior to arriving at the consulate, call ahead to schedule an appointment and inquire as to whether the case information is located in PIMS.
- If it is not, the consulate will contact KCC to request upload of the information and this can take 3 to 5 days for the information to appear.
- Contacting U.S. Embassies and Consulates - For case-specific inquiries, find the consulate or embassy that was requested at [www.usembassy.gov](http://www.usembassy.gov)



# NAFTA I-129L Processing

- The filing of L1 petitions for citizens of Canada under the North American Free Trade Agreement (NAFTA) may be made at a:
  - Class A Port of Entry (POE) located on the United States-Canada land border, or
  - United States Pre-Flight Inspection (PFI) facility in Canada.
- After review at the border the petition is sent to the VSC/CSC and data entered.
  - VSC/CSC will review for appropriate fees and proper filing.
  - If a formal written decision cannot be issued at a POE or PFI, the petition is sent to the VSC/CSC for issuance of a formal decision.
  - If approved at the POE or PFI, the petition is sent to the VSC/CSC for issuance of an approval notice.`



# NAFTA I-129L Filings

- As with all filings, if an attorney or representative is involved, a properly executed G-28 must be submitted and forwarded to the VSC/CSC with the petition.
  - According to USCIS policy, a properly filed G-28 must have the applicant/petitioner's original signature; and an original or a facsimile-stamped signature of the representative. It is recommended that the signatures be in blue ink to more easily identify original signatures
  - The Form G-28 may be filed for any petition filed with this office, and each application/petition must have its own Form G-28 filed.



# T & U Visa Classifications

- Family members of the victim are eligible for derivative status
- Similar to the I-129 process, VSC approves the case and forwards a copy of the approved petition (and any accompanying waiver) to the KCC.
- KCC enters the petition and relating documents into PIMS.
- The alien then contacts the consulate or embassy to begin the consular process.



# T & U – Other Considerations

- U nonimmigrant visa holders may travel abroad while in U status without filing for Advanced Parole
- T nonimmigrant visa holders must file for Advanced Parole with the VSC in order to maintain their T nonimmigrant status when travelling abroad
- If the I-485 is pending, the petitioner must file for Advanced Parole or the I-485 will be considered abandoned



# Form I-192 Waiver for Victims

- VSC has sole jurisdiction for adjudication of waivers associated with T and U status
- The need for a waiver request may be prompted by the applicant or beneficiary leaving the United States to consular process
- If grounds for inadmissibility are discovered once they leave the United States, a new I-192 should be filed at the VSC
- Once a final decision is made regarding the waiver request, the information is sent to the KCC for placement in PIMS



# Contact Information

- Visa Information and Assistance - <http://travel.state.gov>
- Contacting Visa Services - (202) 663-1225
- Contacting US Embassies and Consulates - For case-specific inquiries, find the consulate or embassy that was requested at [www.usembassy.gov](http://www.usembassy.gov)



# QUESTIONS?



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# Consular Processing for Form I-129F

- All approved I-129F petitions are sent to the National Visa Center (NVC) for processing.
- The NVC enters the information into the Consolidated Consular Database (CCD), assigns a DOS Case number and sends it to the appropriate consulate or embassy for visa processing.



# K-1 Nonimmigrant Visa Processing

- Once the U.S. Embassy or Consulate, where the beneficiary will apply for his/her K1 visa, receives the petition from NVC, they will provide the beneficiary with specific instructions.
- The Consular Officer may ask for additional information.
  - The information must be returned to the originator of the request (NVC or Consulate) not the Service Center that originally approved the petition.



# Numerical Limitations of Visas

- Congress dictates how many individuals from each country can immigrate to the U.S. each year.
- There are more people with approved visa petitions than visas available based on these limitations, which creates a “waiting list” and is published in Visa Bulletin.
- Not all petitions are subject to the limitations and resulting “waiting list.”
- The Visa Bulletin summarizes the availability of immigrant numbers on a monthly basis.

Link to Visa Bulletin:

[http://www.travel.state.gov/visa/bulletin/bulletin\\_1360.html](http://www.travel.state.gov/visa/bulletin/bulletin_1360.html)



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# Immigrant Petitions

- Eligibility to Apply for Immigrant Visa
  - An alien must be sponsored (petitioned) by a U.S. citizen or Lawful Permanent Resident relative or by a prospective employer.



# Family-based Immigrant Petitions

- Form I-130 – Petition for Alien Relative
  - Form I-130 is used by United States Citizen or Lawful Permanent Resident to establish a qualifying relationship with certain alien relatives so they can live permanently in the U.S.
- Form I-360 – Petition for Amerasian, Widow(er) or Special Immigrant
- Form I-730 – Refugee/Asylee Relative Petition
  - Form I-730 is used to request follow-to-join benefits for a spouse and/or unmarried children (under 21 years of age) of a refugee or an asylee.



# Business-related Immigrant Petitions

- Form I-140 – Immigrant Petition for Alien Worker
  - Form I-140 is used by U.S. employer(s) to petition for an alien worker to become a lawful permanent resident in the United States.
- Form I-526 – Immigrant Petition for Alien Entrepreneur
  - Form I-526 is used by an entrepreneur who wishes to immigrate to the United States.



# Post-Approval Processing

After USCIS approves an immigrant visa petition, USCIS forwards the petition to the National Visa Center (NVC) for immigrant visa pre-processing

- It may take 10-14 days for a petition to reach NVC.
- All cases forwarded to the NVC are documented and tracked to ensure proper routing.





# Consular Process

- NVC enters the information into the Consolidated Consular Database (CCD), assigns a Department of State (DOS) case number and identifies the appropriate U.S. Consulate or Embassy.
- NVC will house the approved petition until the visa is close to becoming available per the Visa Bulletin.
- NVC will request further documents and fees to complete the visa process.
- Once the visa number is available, NVC will schedule the interview and the petition is forwarded to the U.S. Consulate or Embassy.
- The U.S. Consulate will determine whether to grant or deny issuance of visa.



# Special Processing for Form I-730

For most posts, NVC has an in-and-out process for I-730 cases. The NVC receives the approved I-730 from USCIS, creates the case electronically, and forwards the petition directly to post. The NVC does not notify the petitioner or beneficiary when the approved I-730 has been forwarded to post.

- Effective 3/31/11, the NVC began a pilot program of document review processing of I-730 cases. Currently, the NVC performs document review of I-730 cases for the following posts:
  - New Delhi
  - Port-au-Prince
  - Guatemala City
  - Yaounde
  - Addis Ababa
  - Tashkent
- Translations must be provided for any documents not in English.



# Admission Procedures

If granted, the beneficiary enters the U.S. with a visa packet:

- Alien applies for admission at a U.S. Port of Entry (POE) during the validity period of a visa.
- Burden to show admissibility or eligibility rests with alien until admission.



# Contact Information

## National Visa Center

[nvcinquiry@state.gov](mailto:nvcinquiry@state.gov)

603-334-0700

[www.immigrantvisas.state.gov](http://www.immigrantvisas.state.gov)

31 Rochester Avenue, Suite 100

Portsmouth, NH 03801



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# Questions

## **I paid the AOS fee for one case; do I have to pay the same fee for my other cases?**

You must pay the Affidavit of Support fee for each case **unless** you are a U.S. citizen with petitions for your spouse and/or child(ren) **concurrently** in process at the National Visa Center. **Note:** payment by cashier's check or money order must include all fee bills in **one** return envelope with one check on top.

## **Who has to pay the AOS fee?**

The following categories of immigrants are required to pay the AOS fee:

- Immediate relatives of U.S. citizens (spouses, unmarried children under age 21, and parents of U.S. citizens age 21 and older)
- Family-based preference immigrants (unmarried sons and daughters of U.S. citizens, spouses and unmarried sons and daughters of permanent resident aliens, married sons and daughters of U.S. citizens, and brothers and sisters of U.S. citizens age 21 and older)





***Form I-824, Application for Action on an  
Approved Application or Petition  
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# Application for Action on an Approved Application or Petition (Form I-824)

Form I-824 was created to standardize the method by which an applicant or a petitioner can request certain actions after USCIS has approved an application or petition.

- When there is a change in the initial manner of processing noted on the visa petition.
- When consular notification of an alien's adjustment of status is needed so that family members can "Follow-to-Join".
- When an application for adjustment of status is denied or abandoned but approval of the visa petition is reaffirmed.



# Basic Requirements

- The underlying application or petition was approved and has not been denied, revoked or terminated.
- The I-824 application must be filed by:
  - The applicant who filed the approved application.
  - The petitioner who filed the approved petition.
  - The principal I-485 applicant (if Part 2 block ‘C’ is checked).
- Though the regulation does not list any required evidence, the instructions on the form indicate the following documents should be attached, if available:
  - copy of the original petition or application.
  - copy of Form I-797, Notice of Action, for the original petition or application.





# Requested Actions

- **Box A – Request for Duplicate Approval Notice**
  - The duplicate approval notice will contain only the information listed on the original Form I-797, Notice of Action.
- **Box B – Notify a Different Consulate or POE**
  - Only filed for nonimmigrant applications or petitions.
  - Consular notification for nonimmigrant petitions go through the Kentucky Consular Center (KCC).



# Requested Actions, continued

## ▪ Box C – Follow-to-Join

- Form I-824 filed by Lawful Permanent Resident (LPR) requesting that the consulate abroad be notified of his/her adjustment of status so that a spouse and /or children can follow-to-join.
- The beneficiary (principal applicant) of the underlying petition is now a Lawful Permanent Resident (LPR) via adjustment of status (I-485 application was approved).

## ▪ Box D – Send Approved Immigrant Visa Petition to NVC

- The petitioner is requesting that the underlying petition be sent to NVC for consular processing of the immigrant visa.



# Requested Actions, continued

- **Box E – Notify DOS of U.S. Citizenship Status**
  - Form I-824 filed by the petitioner requesting USCIS to notify the U.S. Department of State that he/she has become a U.S. citizen through naturalization.



# Consular Processing

- If the applicant has a pending I-485, Application to Register Permanent Residence or Adjust Status, he/she cannot pursue consular processing.



# Form I-824 Post Approval Process

- Box A – Request for Duplicate Approval Notice
  - The duplicate approval notice will be mailed to the applicant/petitioner.
  
- Box B – Notify a Different Consulate or POE
  - USCIS will send approval notification for:
    - I-129F nonimmigrant petitions to the National Visa Center.
    - All other nonimmigrant petitions are sent to the Kentucky Consular Center.



# Form I-824 Post Approval Process

- Box C – Follow-to-Join
  - Copies will be mailed out to the National Visa Center with appropriate memos and cover sheets.
- Box D - Send Approved Immigrant Petition to NVC
  - The I-130 will be forwarded to the NVC with a copy of the I-824.



# Form I-824 Post Approval Process

- Box E – Notify DOS of U.S. Citizenship Status
  - A copy of the Naturalization Certificate and the approved I-824 will be mailed out to the National Visa Center.



# QUESTIONS?



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