



December 6, 2010

Executive Summary

USCIS Teleconference on Overseas Filing of Form I-130, Petition for Alien Relative

Overview

On November 9, 2010, USCIS hosted a teleconference to discuss proposed changes to the filing procedures for the Form I-130, Petition for Alien Relative, when being filed by petitioners residing overseas. Jennifer Kliska, Chief of the International and Humanitarian Affairs Division in the Office of Policy & Strategy, explained that the Agency is reviewing options to have all Forms I-130 filed and adjudicated domestically. The review is examining the cost-effectiveness of continuing to have USCIS and Department of State resources overseas accept and adjudicate petitions for petitioners residing overseas versus having these petitions accepted and adjudicated by USCIS domestically. Ms. Kliska stated that more than 95% of all Forms I-130 are currently filed in the United States. Thus, it may make sense to bring all Form I-130 filings and adjudications stateside. Ms. Kliska also indicated that USCIS is in the preliminary stages of reviewing options and that there will not be immediate changes to the filing process. USCIS is looking at issues such as processing times, mailing documents from overseas, and customer service, and is also soliciting feedback from stakeholders prior to moving forward. The session was for USCIS to listen to the views and information of individual stakeholders. The session was not used for the purpose of obtaining group or consensus advice.

Principal Themes

- **Filing Procedures**

If all Forms I-130 are to be accepted and adjudicated domestically, USCIS envisions that they would be accepted by a lockbox in the United States. Individual stakeholders raised several concerns regarding filing domestically:

- Additional costs and reliance on DHL, UPS, etc. may adversely affect some applicants;
- USCIS will need to examine security risks and considerations for sensitive documents;
- USCIS will need to ensure that enough resources are allocated at lockbox facilities to handle the additional filings and queries.

USCIS recognized that there are obstacles to accessing postal or express mail services in some countries and continues to look at ways to manage or overcome these obstacles.

USCIS stated that the Agency was considering the possibility of continuing to allow filing in overseas locations where USCIS maintains a presence. However, the Agency expressed concern that different procedures depending on foreign country of residence might be confusing for filers. Some stakeholders indicated they would prefer a single procedure for filing as this would allow for consistency and uniformity while others preferred the convenience of being able to file with the multiple USCIS offices abroad.

Additionally, multiple stakeholders asserted that electronic filing would help to more effectively manage the filing process. USCIS noted that any decision to change filing procedures would occur prior to the implementation of Transformation for immigrant benefit types.

- **Processing Times**

Participants asked if processing times would be impacted for individuals filing Forms I-130 from overseas. USCIS acknowledged that, at present, some USCIS international offices have significantly faster processing times while others are longer compared to processing times in the United States. Having all Forms I-130 adjudicated domestically would allow for more consistent and uniform processing times across the board.

- **Responding to Time-Sensitive USCIS Correspondence**

Some stakeholders questioned whether USCIS is reviewing whether the Agency will allow additional time to respond to Requests for Evidence (RFEs), notices, and decisions. USCIS stated that they are looking into the matter, but no decision has been made at this time. One participant noted that they had positive experience with the National Visa Center (NVC) electronic communications since Department of State has moved to electronic systems for some filings.

- **Emergency/Humanitarian Circumstances**

Several participants requested that USCIS give careful consideration to emergency or humanitarian situations. Specifically, there was a desire that flexibility be built into the process so that international offices can accept filings and adjudicate petitions on a case-by-case basis. If all Forms I-130 are adjudicated domestically, one participant suggested that expedite procedures be put in place, perhaps via electronic communications, to handle these types of cases.

- **Customer Service**

In the current process, many individuals residing overseas utilize window service at the 29 international USCIS field offices. Participants asked whether this process would continue and USCIS indicated that these offices would still be available to address customer service issues.

- **Forms of Payment**

At least one stakeholder asked whether USCIS had determined acceptable forms of payment (e.g. cashier's checks, credit cards) for petitioners filing from overseas. There was particular interest in looking at electronic transmission of payment. USCIS confirmed that the Agency is looking at currency issues and concerns.

- **Fraud**

There was some concern that there would be a greater chance of fraud for Forms I-130 mailed from overseas because then there would be no interview. However, USCIS indicated that Form I-130 petitioners or beneficiaries are rarely interviewed. Therefore, the location of filing will not affect the adjudication of the petition. Additionally, USCIS stated that a visa interview with a consular officer is and will continue to be required.

- **Form I-864, Affidavit of Support Under Section 213A of the Act**

Some participants expressed concern about how the Form I-864 might be affected by the domestic adjudication of all Forms I-130. USCIS stated that they would look into the matter, but that for USCIS purposes the Form I-864 supports the Form I-485, Application to Register Permanent Residence or Adjust Status, rather than the Form I-130. Therefore, there would be no changes to the filing of the Form I-864.

Next Steps

USCIS will continue to examine individual stakeholder concerns to determine how best to move forward. In addition to reviewing filing procedures and adjudication location for the Form I-130, the Agency will be looking at procedures for all form types currently adjudicated outside the United States, to review resource and fiscal allocation. USCIS welcomes individual stakeholder feedback to better inform the Agency decision-making process. If stakeholders have additional questions or concerns please email public.engagement@dhs.gov.