

# ALERTS

## Immigration Update

### CHANGES TO I-130 FILING PROCEDURE INCREASES PROCESSING TIME

09.08.2011

United States Citizenship and Immigration Services ("USCIS") has severely curtailed the ability of US Citizens living abroad to file Form I-130, *Petition for Alien Relatives* at US Consulates abroad. With limited exceptions, all I-130's, including those for spouses and minor children of US Citizens living abroad, must be filed with the USCIS lockbox in Chicago. The exceptions, which are at the particular Consulate's discretion, allows for continued I-130 processing in cases of children aging out, adoptions, medical and military emergencies, threats to personal safety and recent naturalization of the petitioner. These exceptions do not include any employment-based need to expedite, including acceptance of a US job offer or an expat re-assignment to the United States. USCIS had indicated their guidance may change as the new filing requirements are implemented over the next 90 days, so the basis or number of exceptions to the lockbox filing requirement may also change. Current I-130 processing times at the Chicago lockbox are 9-12 months. This is a significant processing delay compared to I-130 processing at the Consulates, which often took several weeks, not several months. As a result, any US Citizen living abroad who is contemplating a move back to the US and has foreign national family members would be advised to consider filing an I-130 early, with the expectation that immigrant visa processing for family members will now take much longer than they did previously. If you have an employee abroad facing this scenario, please call your MVA Team Contact to discuss the specific facts of their case.