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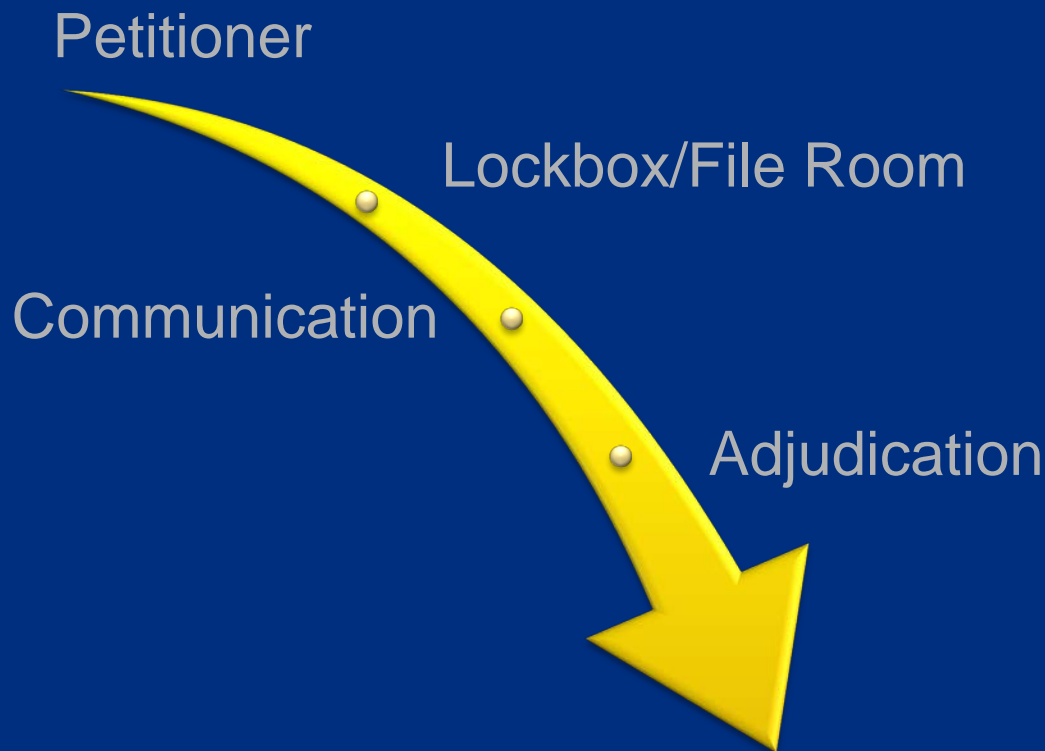
Lifecycle of a Form I-130 Petition for Alien Relative



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AILA InfoNet Doc. No. 14062452. (Posted 6/24/14)

I-130 Lifecycle at a Glance



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Form I-130

An I-130 may be filed by a United States Citizen for a:

- Spouse
- Child
- Parent
- Unmarried Son/Daughter Over Age 21
- Married Son/Daughter over Age 21
- Sibling



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Form I-130 (continued)

An I-130 may be filed by a Legal Permanent Resident for a:

- Spouse
- Child
- Unmarried Son/Daughter Over Age 21



Petitioner Files I-130 at Lockbox

I-130 filed at a Lockbox with fee.

- *The I-130 instructions on the USCIS website describe which Lockbox your constituent should file the I-130.*

I-130 ACCEPTED: within 48 hours Lockbox will:

- Deposit payment
- Issue USCIS receipt number
- Mail Receipt Notice showing the priority date
- Assemble I-130 and supporting document into a file
- Input data into USCIS electronic records

Within 48 hours:

Send I-130s to adjudicating office via 2 day UPS.

I-130 REJECTED:

- Incorrect or no fee
- No petitioner signature
- Invalid form revision
- Missing required information

Rejected I-130, supporting documents and fee all returned to petitioner. No priority date assigned.



Priority Date

- Assigned a “priority date”, i.e. the date on which USCIS receives a properly filed I-130 petition.
- Priority date establishes a place in line.

Department of Homeland Security U.S. Citizenship and Immigration Services		I-797, Notice of Action
THE UNITED STATES OF AMERICA		
RECEIPT NUMBER MSC-	CASE TYPE I130 PETITION FOR ALIEN RELATIVE	
RECEIPT DATE July 19, 2013	PRIORITY DATE July 18, 2013	PETITIONER
NOTICE DATE May 13, 2014	PAGE 1 of 1	BENEFICIARY
		Notice Type: Approval Notice Section: Husband or wife of U.S. Citizen, 201(b) INA



Service Center Receives I-130

The Contractor:

- Updates USCIS' electronic records as file received at CSC.
- Labels files with color-coded stickers based on classification.
- Segregates files by classification to the appropriate shelf for adjudication in the order received.



I-130 Adjudication

Immigration Services Officer (ISO) adjudicates the I-130:

- Conducts background and system checks.
- Orders relating files.
- Reviews file and takes appropriate action.



Additional Evidence Needed

Request for Evidence (RFE):

- Additional evidence needed before case can be decided.
- Petitioner afforded 84 days to respond.

Intent to Deny (ITD):

- Provides the petitioner an opportunity to overcome ineligibility or derogatory evidence.
- Petitioner afforded 30 days to respond.



Relocate

Common Reasons for a Relocate:

- Further review or interview.
- Workload transfer.
- Office request.

Note: the petitioner will be notified of the relocate.



I-130 Approvals

- Officer updates electronic records.
- Approval notice automatically mailed out within 24 hours.
- Sent to attorney / representative and petitioner.
- File routed to CSC contractor mailroom.
- File sent out of CSC within 2 weeks of approval.



I-130 Denials

- Officer prepares the denial notice.
- Supervisor reviews the file and denial notice.
- The Adjudication Support Team updates the electronic records and sends out the denial notice.



Consular Returns

- The Department of State may return an I-130 for:
 - Further adjudicative action required.
 - Automatic revocation.
 - Erroneous approval – statutory ineligibility.
 - USCIS requests the return of the petition.



Consular Returns (continued)

USCIS Processing:

- Contractor receives the I-130 in USCIS' electronic records.
- USCIS conducts background checks.
- Officer conducts file review and takes appropriate action:
 - Issue a Notice of Intent to Revoke.
 - Reaffirm the approval.



Priority Date Retention

- A petitioner may file a subsequent petition on behalf of the same beneficiary and request a retention of the earlier priority date.
- This may be the result of the petitioner's naturalization and/or the beneficiary's marriage/divorce.



Priority Date Retention (continued)

Supporting Evidence:

- A copy of the previous I-130 approval notice:
 - ***If unavailable***: submit a copy of a letter issued by the Department of State, National Visa Center (NVC) verifying the approval, priority date, petitioner, beneficiary, and derivatives' names.
 - ***If sent to the NVC for processing***: submit a letter, no more than 6 months old, from the NVC stating that the previously approved I-130 petition has not been terminated or revoked.
 - ***If sent to the American Consulate/Embassy***, submit a letter, no more than six months old, from the American Consulate/Embassy stating that the previously approved I-130 petition has not been terminated or revoked.



Priority Date Retention (continued)

Supporting Evidence (Cont.)

- Legal name change (either petitioner or beneficiary), submit evidence to support the change.
- If the principal beneficiary has been granted Lawful Permanent Resident status, submit evidence of the status.



Priority Date Retention (continued)

➤ For I-130s Currently Pending at the CSC:

- Call the National Customer Service Center at 1-800-375-5283 to request priority date retention for the petition.

➤ For Approved I-130s Awaiting I-485 Filing:

- Contact the local Field Office by scheduling an appointment online at www.uscis.gov under the InfoPass section.



Priority Date Retention (continued)

- **For Approved I-130 Petitions Located at the National Visa Center or American Embassy/Consulate:**
 - Submit a letter labeled “Priority Date Retention Request” including the current I-130 receipt number and all supporting evidence described above to the National Visa Center via email at nvcinquiry@state.gov or mail:

National Visa Center
Attn: CR
31 Rochester Avenue
Portsmouth, NH 03801-2915



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QUESTIONS?



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