



U.S. Citizenship and  
Immigration Services

## USCIS Policy Manual

Current as of March 19, 2020

### Volume 6 - Immigrants

#### Part B - Family-Based Immigrants

#### Chapter 3 - Filing

A U.S. citizen or lawful permanent resident (LPR) may file a petition on behalf of a relative using the Petition for Alien Relative ([Form I-130](#)), in accordance with the form's instructions. In certain cases, alien relatives may self-petition by filing the Petition for Amerasian, Widow(er), or Special Immigrant ([Form I-360](#)).<sup>[1]</sup>

Generally, family-sponsored petitions must be filed with USCIS.<sup>[2]</sup> However, there are some limited circumstances in which the U.S. Department of State (DOS) may accept and adjudicate Form I-130. USCIS no longer accepts and adjudicates routine Form I-130 petitions at its remaining international field offices.<sup>[3]</sup>

#### A. When Department of State is Authorized to Accept and Adjudicate Form I-130

USCIS has delegated authority to DOS to accept and adjudicate a Form I-130 filed by a U.S. citizen petitioner for an immediate relative<sup>[4]</sup> if the petitioner establishes exceptional circumstances or falls under blanket authorization criteria defined by USCIS. This policy applies even in countries with a USCIS presence. Without such delegation, DOS has no authority to permit a U.S. embassy or consulate to accept a local Form I-130 filing abroad.

If a consular officer in a U.S. embassy or consulate encounters an individual case that the officer believes has need of immediate processing of a Form I-130, the consular officer may, but is not required to, accept the local filing in exceptional circumstances, in accordance with the guidance below.

##### *Exceptional Circumstances*

Examples of exceptional circumstances include:

- Military emergencies – A U.S. service member, who is abroad but who does not fall under the military blanket authorization for U.S. service members stationed abroad on military bases, becomes aware of a new deployment or transfer with little notice. This exception generally applies in cases where the U.S. service member is provided with exceptionally less notice than normally expected.
- Medical emergencies – A petitioner or beneficiary is facing an urgent medical emergency that requires immediate travel.
- Threats to personal safety – A petitioner or beneficiary is facing an imminent threat to personal safety. For example, a petitioner and beneficiary may have been forced to flee their country of residence due to civil strife or natural disaster and are in precarious circumstances in a different country outside of the United States.
- Close to aging out – A beneficiary is within a few months of aging out of eligibility.
- Petitioner has recently naturalized – A petitioner and family member(s) have traveled for the immigrant visa interview, but the petitioner has naturalized and the family member(s) requires a new petition based on the petitioner's citizenship.
- Adoption of a child – A petitioner has adopted a child abroad and has an imminent need to depart the country. This type of case should only be considered if the petitioner has a full and final adoption decree on behalf of the child and the adoptive parent(s) has had legal custody of and jointly resided with the child for at least 2 years.
- Short notice of position relocation – A U.S. citizen petitioner, living and working abroad, has received a job offer in or reassignment to the United States with little notice for the required start date.

##### *Discretion*

The list of examples provided above is not exhaustive. DOS may exercise its discretion to accept local Form I-130 filings for other emergency or exceptional circumstances of a non-routine nature, unless specifically noted below. However, such filings must be truly urgent and otherwise limited to situations when filing with USCIS online or domestically with an expedite request would likely not be sufficient to address the time-sensitive and exigent nature of the situation.

DOS may consider a petitioner's residency within the consular district when determining whether to accept a filing, but it is not required.<sup>[5]</sup>

#### B. When Department of State is Not Authorized to Accept and Adjudicate Form I-130

DOS may not exercise discretion to accept local filings in certain scenarios. USCIS does not authorize DOS to accept a local filing abroad when a petitioner based in the United States seeks to travel and file abroad in order to expedite processing. DOS acceptance of Form I-130s abroad is intended to assist petitioners living abroad who demonstrate exceptional circumstances as described above.

In addition, USCIS does not authorize DOS to accept a local filing abroad if the petitioner has already filed a Form I-130 domestically for the same beneficiary. If exigent circumstances exist, the petitioner should request expedited processing for an electronic or domestically-filed petition. Local consular or USCIS staff should inform the petitioner of the process to request expedited adjudication.<sup>[6]</sup>

#### C. Blanket Filing Authorizations

USCIS<sup>17</sup> may issue a blanket authorization for DOS to exercise its discretion to accept locally-filed Form I-130 immediate relative petitions for certain filing categories. Petitioners in these categories do not need to reside in the country of the U.S. embassy or consulate, but they must meet the blanket exception criteria described below in order to file a Form I-130 with DOS.

#### *Temporary Blanket Authorizations*

In instances of prolonged or severe civil strife or a natural disaster, USCIS may authorize a blanket exception for DOS to accept Form I-130 immediate relative petitions from petitioners directly affected by such events.

Temporary blanket authorizations do not require DOS to accept a filing, but rather allow DOS to use its discretion to accept a Form I-130 filed at a U.S. embassy or consulate. Although DOS may accept a local filing by a petitioner who does not reside within the post's jurisdiction, the intent of the temporary blanket authorization is to assist those directly affected by the disruptive event, not to speed up the process for those petitioners who are not directly affected.

#### *U.S. Military Assigned to Military Bases Abroad*

USCIS has granted DOS blanket authorization to accept Form I-130 immediate relative petitions filed by U.S. citizen military service members stationed abroad even in countries with a USCIS presence. This blanket authorization does not apply to service members assigned to non-military bases, such as U.S. embassies, international organizations, or civilian institutions, or to service members on temporary duty orders. Qualifying petitioners do not need to establish exceptional circumstances. This blanket authorization is not time-limited, but USCIS may revoke the authorization if warranted.

### **D. Procedures for Local Filings**

DOS may accept and adjudicate a local Form I-130 filing by a U.S. citizen petitioner for an immediate relative if the petitioner establishes exceptional circumstances or meets blanket authorization criteria defined by USCIS.

If DOS declines to accept a local filing, DOS should inform the petitioner of its decision and of the process for filing the Form I-130 at a USCIS lockbox or online in accordance with the USCIS filing instructions.

The petitioner does not have the right to appeal, motion, or otherwise request reconsideration of a USCIS or DOS decision to decline acceptance of a local filing. Although this local filing process is designed to facilitate expedited processing of cases abroad in exceptional circumstances, it is not the only way to file a petition or seek expedited adjudication. If not permitted to file locally abroad, a petitioner may still file a Form I-130 petition with a USCIS lockbox or online and may request expedited processing for that petition in accordance with the published USCIS expedite process and criteria.<sup>18</sup>

DOS may approve only those Form I-130 petitions that are clearly approvable. If DOS determines a petition is not clearly approvable, DOS forwards the petition to the USCIS office designated to adjudicate the not-clearly-approvable petitions. This USCIS office is generally a USCIS service center.<sup>19</sup>

If DOS approves a Form I-130 petition but that U.S. embassy or consulate does not issue immigrant visas, the Consular Section coordinates with the appropriate embassy or consulate with jurisdiction to issue a visa in accordance with DOS guidelines.

Although USCIS has delegated authority to DOS to accept Form I-130 petitions in all locations abroad in the limited instances described above, USCIS retains authority to accept and adjudicate a local Form I-130 filing abroad or conduct an in-person interview abroad as warranted, regardless of where or how the petition was filed.

### **Footnotes**

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1. [△] For more information on self-petitioner categories, see the instructions to [Form I-360](#). Form I-360 is also used for a number of other (non-relative) special immigrant classifications, which are discussed in other Policy Manual parts.
2. [△] See instructions to the Petition for Alien Relative ([Form I-130](#)).
3. [△] The USCIS field offices in Accra, Ghana and London, United Kingdom will continue to accept and adjudicate Form I-130 petitions filed by U.S. citizens residing in-country who are filing on behalf of their spouse, unmarried child under the age of 21, or parent (if the U.S. citizen is 21 years of age or older) through March 31, 2020.
4. [△] Immediate relative refers to a U.S. citizen's spouse, unmarried child under the age of 21, or parent (if the U.S. citizen is over the age of 21). See [INA 201\(b\)\(2\)\(A\)\(i\)](#). Other Form I-130 filing categories, which may be filed by either U.S. citizens or LPRs and are also referred to as preference category petitions, must be filed with a domestic USCIS lockbox or online in accordance with the filing instructions. See [8 CFR 103.2\(a\)\(1\)](#).
5. [△] See [9 Foreign Affairs Manual \(FAM\) 504.2-4\(B\)\(1\)\(b\)](#), Adjudicating Exceptional Circumstance I-130 Cases.
6. [△] See Volume 1, General Policies and Procedures, Part A, Public Services, Chapter 5, Requests to Expedite Applications or Petitions [[1 USCIS-PM A.5](#)]. See the [How to Make an Expedite Request](#) web page.
7. [△] Currently, this is handled by the Refugee, Asylum and International Operations Directorate.
8. [△] For more information, see Volume 1, General Policies and Procedures, Part A, Public Services, Chapter 5, Requests to Expedite Applications or Petitions [[1 USCIS-PM A.5](#)]. See the [How to Make an Expedite Request](#) web page.
9. [△] See [9 Foreign Affairs Manual \(FAM\) 504.2-4\(B\)\(1\)\(b\)](#), Adjudicating Exceptional Circumstance I-130 Cases.

### **Legal Authorities**

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[INA 201](#) - Worldwide level of immigration

[INA 202](#) - Numerical limitations on individual foreign states

[INA 203](#) - Allocation of immigrant visas

[INA 204](#); [8 CFR 204](#) - Procedure for granting immigrant status

### **Forms**

[G-28, Notice of Entry of Appearance as Attorney or Accredited Representative](#)

[I-129F, Petition for Alien Fiancé\(e\)](#)

[I-130, Petition for Alien Relative](#)

## Appendices

No appendices available at this time.

### **POLICY ALERT - Accepting Petition for Alien Relative (Form I-130) Abroad**

January 31, 2020

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance in the USCIS Policy Manual to address the limited circumstances in which USCIS has delegated authority to the U.S. Department of State to accept and adjudicate the Form I-130 filed abroad at U.S. embassies and consulates. This guidance becomes effective February 1, 2020.

[Read More](#)

#### AFFECTED SECTIONS

**[6 USCIS-PM B.3 - Chapter 3 - Filing](#)**

### **Technical Update - Replacing the Term “Foreign National”**

October 08, 2019

This technical update replaces all instances of the term “foreign national” with “alien” throughout the Policy Manual as used to refer to a person who meets the definition provided in INA 101(a)(3) [“any person not a citizen or national of the United States”].

[Read More](#)

#### AFFECTED SECTIONS

**[1 USCIS-PM - Volume 1 - General Policies and Procedures](#)**

**[2 USCIS-PM - Volume 2 - Nonimmigrants](#)**

**[6 USCIS-PM - Volume 6 - Immigrants](#)**

**[7 USCIS-PM - Volume 7 - Adjustment of Status](#)**

**[8 USCIS-PM - Volume 8 - Admissibility](#)**

**[9 USCIS-PM - Volume 9 - Waivers](#)**

**[10 USCIS-PM - Volume 10 - Employment Authorization](#)**

**[11 USCIS-PM - Volume 11 - Travel and Identity Documents](#)**

**[12 USCIS-PM - Volume 12 - Citizenship and Naturalization](#)**