

**From:** CIS Ombudsman <CIS.ombudsman@messages.dhs.gov>

**Sent:** Friday, July 8, 2022 3:18 PM

**To:**

**Subject:** Follow USCIS' Updated Special Instructions for Form I-130 to Avoid Delays and Extra Fees

July 8, 2022



## Follow USCIS' Updated Special Instructions for Form I-130 to Avoid Delays and Extra Fees

Dear Stakeholder,

U.S. Citizenship and Immigration Services (USCIS) recently updated the special instructions on its [Form I-130, \*Petition for Alien Relative\*](#) page to help petitioners ensure that USCIS sends their form to the correct location after it is approved.

### What USCIS Recommends

Form I-130 asks you to indicate whether the beneficiary will apply for adjustment of status inside the United States or for an immigrant visa abroad at a U.S. Embassy or U.S. Consulate (also known as consular processing). These are currently questions 61 and 62 on the paper-based Form I-130 and these options appear in the online version of the form as well.

### Helpful Resources

[Public Engagement](#)

[Annual Report](#)

[Frequently Asked Questions](#)

[Immigration Resources](#)

[Contact the CIS Ombudsman](#)

Although Form I-130 allows you to choose both options, **you should select only one option**. Your response determines where USCIS will send the approved petition.

- If you select the **consular processing abroad** option, USCIS will route the approved Form I-130 to the Department of State's National Visa Center (NVC).
- If you select the **adjustment of status** option, USCIS will typically send the approved Form I-130 to its National Records Center (NRC) to wait for the beneficiary to file Form I-485, *Application to Register Permanent Residence or Adjust Status*.

If you want to change your selection while the Form I-130 remains pending with USCIS, contact the [USCIS Contact Center](#). If you want to change your selection after USCIS has already approved the form, you may need to file [Form I-824, Application for Action on an Approved Application or Petition](#).

## Why This Matters

Selecting only one option on Form I-130 will help you avoid additional costs and processing delays.

The Office of the Citizenship and Immigration Services Ombudsman (CIS Ombudsman) has received several case assistance requests from petitioners who selected both options on Form I-130 and USCIS routed their approved petitions to the NRC. If the petitioner selected both options on the form when the beneficiary resided outside of the United States, USCIS required the filing of a Form I-824 to have the approved petition relocated to the NVC for consular processing. The filing fee for Form I-824 is \$465 and processing times currently range from 3.5 to 22.5 months.

If you select only the consular processing option and USCIS does not send the approved Form I-130 to the NVC within two months of approval, this could be a USCIS error and you would not be expected to file a Form I-824. If you cannot resolve the issue with USCIS, you may submit a [CIS Ombudsman case assistance request](#). If you do, please include copies of the original Form I-130 submission and documentation of your correspondence or inquiries to USCIS where you tried to resolve the issue.

## More Information

The CIS Ombudsman is dedicated to assisting individuals and employers seeking to resolve problems with USCIS whenever possible. For more information on our office, please visit [www.dhs.gov/cisombudsman](http://www.dhs.gov/cisombudsman) or follow us on [Facebook](#) and [LinkedIn](#).

Please complete the [CIS Ombudsman Customer Satisfaction Survey](#). We appreciate your feedback.