



U.S. DEPARTMENT of STATE

**Media Note**

**Office of the Spokesman**

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## **Consular Offices Abroad Resume Accepting I-130 Immigrant Visa Petitions**

Effective immediately, consular posts abroad will accept petitions for immediate relative immigrant classification from American citizens who are resident in their consular districts, including members of the armed forces, as well as true emergency cases, such as life and death or health and safety, and others determined to be in the national interest.

As of January 22, 2007, consular offices abroad were instructed to cease accepting certain immigrant visa petitions because consular officers lacked the means to perform the required criminal background checks on American citizen petitioners, as required by the Adam Walsh Act.

Subsequently, the Department of State and the U.S. Citizenship and Immigration Service (USCIS) worked to develop a mechanism whereby USCIS will perform these required "Adam Walsh Act" checks for any petitions accepted abroad by consular officers.

To demonstrate residency in a consular district, American Citizen petitioners must be able to show that they have permission to reside in the consular district and that they have been doing so continuously for at least six months before filing the petition. Individuals who are in the country on a temporary status, such as student or tourist, would not be considered to meet the residency standard.

Examples of family emergency include minor children who would be unexpectedly left without a caretaker. Examples of national interest include facilitating the travel of United States military and other USG direct hire employees assigned overseas who are pending transfer on orders and need to petition for immigrant classification of their spouse and minor children at posts overseas.

All lawful permanent residents, and American Citizens resident in the United States or with a permanent address in the United States, must file I-130 petitions at the USCIS Service Center having jurisdiction over their place of residence (as indicated on the USCIS website: <http://www.uscis.gov/files/form/i-130.pdf>).

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