

Immigrant Visa/Waiver Process Overview
Ciudad Juarez (CDJ), Mexico
February 6, 2012

Current Immigrant Visa (IV)/Waiver Process at CDJ:

1. The petitioner files the I-130 petition with the USCIS. The processing time is 4-6 months.
2. Once the USCIS approves the petition, it transfers the case to the U.S. Department of State – National Visa Center (NVC) for further processing. The transfer will take approximately 3-4 weeks.
3. The NVC will then mail/e-mail the attorney of record the Visa Fee Bills, which also provide the case number starting with either MEP or CDJ.
4. After the Fee Bills are paid, the applicant must file the Immigrant Visa Application (Form DS-260), the Affidavit of Support (Form I-864), and all civil documents with the NVC (“Packet 3”). Form DS-260 must be filed electronically at www.ceac.state.gov.

If the NVC case number starts with MEP, *copies* of all required documents are e-mailed to NVCElectronic@state.gov. If the NVC case number starts with CDJ, *originals* of all required documents are physically mailed to the NVC.

5. The NVC typically completes review of the “Packet 3” documents approximately 2-3 months after receipt of all of the required documents. Next, the NVC schedules the IV interview at the U.S. Consulate in Ciudad Juarez and e-mails the interview notice to the attorney of record.
Please note: if the interview needs to be re-scheduled, it may only be done the day after the original IV appointment date by contacting the CDJ call center at 703-439-2310.
6. Upon receipt of the visa interview notice, the applicant must register using the [CSC Visa Information Service](#).¹ Applicants not requiring a waiver must also register using the CSC Visa Information Service. During the registration, the online system will require the applicant to select a DHL location where the visa and/or waiver decision may be delivered.
7. In addition, the applicant must also schedule a biometrics appointment at least one (1) day (Monday – Saturday, except for U.S. and Mexican holidays) prior to the visa interview. This can be done via the online system; however, the website frequently experiences problems, and it is often easier to call the CDJ call center to make the appointment. A confirmation of the appointment will be sent to either the applicant or attorney via e-mail.
8. The applicant is also required to appear for a medical examination at one of the two (2) authorized clinics in CDJ. The applicant should plan to arrive in CDJ at least 2 days (4 days if applying with children under the age of 15) prior to the visa interview to complete the medical exam. No appointment is required for the medical exam; however, the applicant should plan to be in line at one of the two clinics at around 5:30 a.m. to ensure the ability to complete the medical exam that day. The applicant will be asked to return to the clinic that same day to collect the medical exam results, which the applicant will take to the IV appointment.
9. On the day of the medical exam and biometrics appointment, the applicant must bring a

¹ If the applicant or attorney experiences issues with the online system, the call center can be reached at 703-439-2310. http://usvisa-info.com/en-MX/selfservice/ss_country_welcome

- a) valid passport,
 - b) biometrics appointment confirmation page,
 - c) Form DS-260 confirmation page, and
 - d) visa interview notice.
10. On the day of the Immigrant Visa interview, the applicant should arrive approximately 30 minutes to one hour early and bring
- a) valid passport,
 - b) visa interview notice,
 - c) Form DS-260 confirmation page
 - d) sealed medical exam result,
 - e) two passport photos, and
 - f) any evidence of the relationship between the applicant and the petitioner.
- Please remember:** If it is an **MEP** case, the applicant should also bring all original civil documents and a current Affidavit of Support.
11. At the visa interview, the applicant's visa application may be denied due to unlawful presence (and possibly other reasons). At that time, the applicant will be given a letter stating the reason for the denial and whether the applicant is eligible to file an I-601 or I-212 waiver. The applicant may then return to his/her home in Mexico.
12. Between 24 and 48 hours after the visa interview, the applicant or the attorney of record may call the CDJ call center at 703-493-2310 to schedule the waiver appointment, which is typically scheduled approximately 2 months after the visa interview. The waiver appointment confirmation will be e-mailed to the attorney of record.
13. On the day of the waiver appointment, the applicant should arrive 30 minutes to 1 hour before the appointment and bring a
- a) valid passport,
 - b) completed waiver packet, and
 - c) the waiver application filing fee in the form of credit card, money order, or cash. (Please see www.uscis.gov to determine the current filing fee.)

If the applicant submitted certificated court records with the "Packet 3" documents, a second set of certified records must be submitted with the waiver. In addition, during the waiver appointment, the applicant should be prepared to answer any questions similar to the visa interview questions and give a brief explanation of the hardship that the qualifying family member will suffer. The applicant may then return to his/her home in Mexico.

14. Approximately 2 to 6 months after filing the waiver application, the USCIS will mail a decision to the applicant by DHL courier at the DHL office the applicant selected upon registration (see #6 above). The applicant will be informed via the online CSC Visa Information Service that a package has arrived at the selected DHL office, and the applicant will be provided with the DHL tracking number, which should be taken to the DHL office when retrieving the package. The DHL packet will contain either:
- a) The approval notice, the applicant's passport with immigrant visa, and a sealed envelope that the applicant should NOT open but will give to the U.S. Customs and Border Protection (CBP) officer upon entry into the U.S. The visa is valid for 6 months, and the

applicant must enter the U.S. before the visa expires. Upon entering the U.S., the visa may serve as temporary evidence of permanent residence for up to one year.

OR

- b) A Notice of Referral stating that the waiver application has been referred to another office for further review and the applicant's passport. If the case is referred, then the processing time is approximately 12 months from the date of the referral. The applicant is given 84 calendar days to submit additional evidence, which is strongly recommended. Further evidence may also be submitted at any time while the waiver is pending.
15. As mentioned above, if the waiver application is referred, the processing time for adjudication is approximately 12 months. The decision will be mailed to the petitioner and the attorney of record.
- a) If the waiver application is approved, the applicant will receive instructions from the U.S. Consulate within approximately 2-4 weeks on how to proceed with obtaining the immigrant visa. Typically, the applicant is instructed to appear for a second medical examination (if more than a year has passed since the first examination) and submit the sealed medical exam results and the passport to the Consulate by DHL. The applicant should receive his immigrant visa approximately 2 weeks after submitting the passport and medical exam.
 - b) If the waiver application is denied, the applicant may either appeal the decision to the Administrative Appeals Office (AAO) by filing Form I-290B or re-file the waiver application with the USCIS. If the applicant decides to re-file the waiver application, step 12 should be followed when scheduling a new waiver appointment.

The Proposed Provisional Waiver Process:

On [January 6, 2012](#), the U.S. Citizenship and Immigration Services (USCIS) announced its [intent to revise the federal regulations](#) on the processing of unlawful presence waiver applications (AILA Doc. No. 1201165 & 12010660).² Under the new procedure, the USCIS would allow spouses, children under 21, and certain parents of U.S. citizens to file their I-601 waiver applications in the United States before their immigrant visa interviews at a U.S. Embassy or Consulate abroad. If approved, the USCIS would grant a provisional waiver. The consular officer would retain the authority to identify other grounds of inadmissibility at the time of the noncitizen's immigrant visa interview abroad and to require another waiver application for these identified grounds. Such grounds could include criminal convictions, fraud/misrepresentation, failure to attend an immigration hearing, and outstanding removal order. The USCIS hopes that the proposed provisional waiver process will decrease the amount of time that families are separated and will encourage more noncitizens to apply for their immigrant visas.

The proposed change in processing the unlawful presence waiver does not alter the standard for approval. Noncitizens must still show that their qualifying relatives would suffer "extreme

² *USCIS Issues Q&A on Proposed Stateside Processing for I-601 Waivers*, AILA Doc. No. 12011065, <http://www.aila.org/content/default.aspx?bc=1016|6715|12053|26284|38138>; *77 FR 1040 (1/9/12)* and *USCIS Notice of Intent to Implement Stateside Processing of Unlawful Presence Waivers*, AILA Doc. No. 12010660, <http://www.aila.org/content/default.aspx?bc=1016|6715|12089|38111>

hardship” if the waiver applications were not approved. The proposed provisional waiver process does limit the qualifying relatives which may be considered for the waiver to only include U.S. citizen spouses and parents, as opposed to U.S. citizen *or Lawful Permanent Resident* spouses or parents which may be considered under normal processing.

The new provisional waiver procedure has not yet taken effect. The January 6, 2012, announcement is simply a notice of USCIS’s intent to issue the proposed regulation at a future date. USCIS representatives indicated during a [January 10, 2012, stakeholder engagement](#) that the agency would issue the proposed rule in spring and allow for a 60-day comment period (AILA Doc. No. 12010661).³ The USCIS does not anticipate that the final rule will be implemented before the end of 2012. The agency encourages all individuals affected by this new procedure to provide input during the official comment period.

- Prepared by Michael Davis and Kathryn Weber (AILA USCIS Overseas Operations Committee) and Rosa Gaona and Brenda Perez (Legal Assistants at Davis & Goldfarb, PLLC).

³ USCIS *Invitation to Teleconference on I-601 Notice of Intent*, AILA Doc. No. 12010661, <http://www.aila.org/content/default.aspx?docid=38114> and *Notes from the USCIS I-601 Notice of Intent Teleconference (1/10/2012)*, AILA Doc. No. 12013068, <http://www.aila.org/content/default.aspx?docid=38366>

CDJ Process for Immigrant Visa and Waiver Flowchart

