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PERMANENT RESIDENT STATUS FOR SPOUSE AND CHILDREN (PETITION FOR ALIEN RELATIVE I-130)

To follow you to the U.S., a foreign spouse and/or step-children will require a valid immigrant visa. By entering the U.S. under an immigrant visa, they can live and work in the U.S. as a lawful permanent resident (green card holder). This is normally accomplished through filing a petition for alien relative or I-130 petition.

Under some conditions, you may be able to file an I-130 petition locally (1.). It is a much faster process than the regular process of filing online with USCIS (2.). In some cases, you might also qualify for an emergency filing at the U.S Embassy in Tokyo or at the U.S. Consulate General in Naha. (3.)

1. FILING AN I-130 PETITION LOCALLY

WHY FILE LOCALLY?

Filing locally is a much faster process than filing online. The online process takes on average 2+ years, and you won't be able to later shift to local filing. Please note that while waiting for the visa, your dependents cannot immigrate to the U.S.

WHAT ARE THE CONDITIONS?

Active Duty Servicemembers stationed in Japan may file an I-130 petition for their immediate relatives at the U.S. Embassy Tokyo or U.S. Consulate General Naha. Only a petition for parent, spouse, or unmarried child under the age of 21(including step and adopted child) who live in Japan qualify for this blanket exception filing.

WHAT ARE THE STEPS?

1. **Gather all required documents** listed on the U.S. Embassy Tokyo website: <https://jp.usembassy.gov/visas/immigrant-visas/130-petition-checklist/> (Information on acceptable documents and method of obtaining documents by country: <https://travel.state.gov/content/travel/en/usvisas/Visa-Reciprocity-and-Civil-Documents-by-Country.html/>)

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2. **Request an appointment for I-130 petition** filing by completing the appointment request form at the following U.S. Embassy website: <https://japan2.usembassy.gov/e/visa/tvisa-ivappt-military.html>
3. **Visit the U.S. Embassy Tokyo or Consulate General Naha with all required documents** listed on the appointment notification e-mail you receive. They may require some additional documents that are not listed on the checklist on the Embassy's website. Petitioner must appear in person.
4. If the petition is approved, **complete DS-260 form** (online visa application) and **obtain police certificates** from applicable countries (<https://jp.usembassy.gov/visas/immigrant-visas/police-certificate/>)
5. **Obtain medical exam documentation** from a designated medical examination facility (<https://jp.usembassy.gov/visas/immigrant-visas/medical-facilities/>) (required vaccination: <https://travel.state.gov/content/travel/en/us-visas/immigrate/vaccinations.html>). **The medical exam expires in 6 months**, and the visa will expire when the medical exam expires. Plan your travel accordingly.
6. **Request an appointment online for a visa interview** (<https://jp.usembassy.gov/visas/immigrant-visas/family-immigration/how-to-apply-step-2/iv-checklist/>).
7. **Final interview** at the U.S. Embassy in Tokyo or at the Naha Consulate. **The visa applicant must appear in person.** Bring all documents (police certificate, medical exam results, etc) listed on the checklist above.
8. Immigrant visa will be issued via mail in 5 to 10 days. **Pay immigration fees online** (<https://www.uscis.gov/forms/filing-fees/uscis-immigrant-fee>) after receiving the visa, but before traveling to the United States.
9. **Enter the U.S. before the visa expiration** date. Hand the issued visa packet to an Immigration Officer at the port of entry.
10. In a few months, a green card and social security card will be mailed to your U.S. address.

WHERE CAN I HAVE MY DOCUMENTS TRANSLATED?

MilitaryOnesource.com does free translation services for Servicemembers at <https://www.militaryonesource.mil/confidential-help/interactive-tools-services/language-services/document-translation-services-from-military-onesource>. We suggest using the following certification: "I [typed name], certify that I am fluent in the English and _____ languages, and that the foregoing, consisting of ____ page(s), is an accurate translation of the original document. Signature____, Date, Typed Name, Address".

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2. FILING ONLINE WITH USCIS

If you are not eligible to file locally, you can file online with USCIS (<https://www.uscis.gov/i-130>) or by mail.

HOW LONG DOES IT TAKE?

Processing time for an I-130 petition filed by an U.S. citizen petitioner can take up to 2 years.

WHAT ARE THE STEPS?

1. **File your I-130 petition online** (recommended) or by mail.
2. Receive Notice of Action from USCIS upon approval of the Petition. Your approved petition packet is sent to the Department of State's National Visa Center (NVC) for pre-processing.
3. Receive visa application instructions from the NVC (<https://travel.state.gov/content/travel/en/us-visas/immigrate/the-immigrant-visa-process/step-1-submit-a-petition/step-2-begin-nvc-processing.html>). **Pay fees, submit online application DS-260, collect financial documents, collect supporting documents.** Submit documents to the NVC.
4. Receive an **interview appointment notification** from NVC for the final interview at the U.S. Embassy Tokyo or Consulate General Naha.
5. **Schedule and complete a medical examination** at a designated medical facility (<https://jp.usembassy.gov/visas/immigrant-visas/medical-facilities/>) (required vaccination: <https://travel.state.gov/content/travel/en/us-visas/immigrate/vaccinations.html>). **The medical exam expires in 6 months**, and the visa will expire when the medical exam expires. Plan your travel accordingly.
6. **Final interview** at the U.S. Embassy Tokyo or Consulate General Naha. The U.S. citizen petitioner does not need to be present for this interview.
7. Immigrant Visa will be issued upon approval of the visa application. It takes about 7 days to receive the visa via mail. **Pay immigration fees online** after receiving the visa (<https://www.uscis.gov/forms/filing-fees/uscis-immigrant-fee>), before traveling to the United States.
8. **Enter the U.S. before the visa expiration date.** Hand the issued visa packet to an Immigration Officer at the port of entry. A green card will be mailed to your U.S. address.

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CAN THE PROCESS BE EXPEDITED?

In some circumstances, the process may be expedited. To request expedited processing, e-mail NVCEpedite@state.gov with justification and supporting documents. Your e-mail should also include petitioner's name and date of birth, beneficiary's name and date of birth, the NVC case number and Invoice ID number. If your request is granted, the Embassy will collect documents from the applicant during their interview.

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3. EMERGENCY LOCAL FILING

In some circumstances, you might be able to file locally even if you were not, originally, eligible. The U.S. Embassy Tokyo or Consulate General Naha may accept I-130 petitions from petitioners with exceptional circumstances and processes visa applications expeditiously.

WHAT QUALIFIES AS 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.

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- **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.

WHAT HAPPENS IF MY REQUEST IS APPROVED?

You will follow the same process described in “Filing locally” above.

WHAT HAPPENS IF MY REQUEST IS DENIED?

You will have to file your petition with the USCIS, following the same process as described in “Filing with the USCIS” above. After filing your I-130 petition, you may request an expedited processing.

IF YOU WOULD LIKE TO SCHEDULE AN APPOINTMENT

Please email LegalAssistMCB@usmc.mil stating your full name, your status (AD, dependent, etc) and the reason for your appointment

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