

Amended Guidance For Processing of Family-Based Immigrant Visa Petitions (06/07)

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SUBJECT: AMENDED GUIDANCE FOR PROCESSING OF FAMILY-BASED IMMIGRANT VISA PETITIONS

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1. Summary: This cable amends guidance for 9 FAM Appendix N 200, section 201.2 Proof of U.S. Citizenship, for the processing of family-based immigrant visa petitions. End Summary.

2. Reftel announced changes to 9 FAM Appendix 200, section 201.2 Evidence of Citizenship. As a result of these changes, a U.S. birth certificate was not included in the list of types of acceptable primary evidence of a petitioner's U.S. citizenship. However, 8 CFR section 204.1(g)(1)(i) provides that "A birth certificate that was issued by a civil authority and that establishes the petitioner's birth in the United States" is considered primary evidence of a petitioner's U.S. citizenship. We are further changing this FAM section to make it consistent with the DHS regulation.

3. The FAM notes have been updated and forwarded to A/ISS/DIR for publication. This process may take a few weeks. In the meantime, for your convenience, following are the updated notes for 9 FAM Appendix N 200, section 201.2:

201.2 Proof of U.S. Citizenship

a. Petitions filed by U.S. citizens must be accompanied by primary evidence of the petitioner's U.S. citizenship. The petitioner may meet this requirement for primary evidence of citizenship by providing:

(1) A birth certificate that was issued by a civil authority and that establishes the petitioner's birth in the United States;

(2) A certificate of U.S. naturalization or citizenship issued in the petitioner's name; or

(3) An unexpired passport issued for full validity to the petitioner as a citizen of the United States (not as a noncitizen national); or

(4) A Form FS-240, Report of Birth Abroad of a Citizen of the United States of America, relating to the petitioner.

b. A petitioner who is unable to obtain primary evidence of citizenship may submit other forms of evidence; however, such a petition should be regarded as "not clearly approvable" and forwarded to the USCIS office with jurisdiction. [See 8 CFR 204.1(g)(2) for further information concerning documentation which USCIS accepts when evidence of U.S. citizenship is unavailable.]

In every case, the consular officer must be satisfied with the bona fides of the document and that the bearer has not lost U.S. citizenship since the date of issuance.

4. This change is effective immediately.

5. Minimize considered.

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