

USCIS ROLE IN NEW DELHI INDIA IN PROCESSING RELATIVE PETITIONS

There is a USCIS office in India, located at the U.S. Embassy in Delhi, subject to the jurisdiction of the Rome Immigration District Office. This USCIS office in Delhi is able to process certain types of applications and petitions that the USCIS processes in the United States. The option of using the USCIS in Delhi generally applies only to residents of India.

Since June 2006, the USCIS office in India required a U.S. citizen to submit evidence of resident status in India in order to have an I-130 processed. Previously, from June 2004 until May 2006, the USCIS simply allowed the U.S. citizen to show evidence of her/his residency in India for only 60 days in order to grant the filing of the I-130 petition and sponsor the spouse or other immediate relatives. Now the rules make it more difficult to establish one's residency in India.

The USCIS requires a minimum of 90 days residency. In most cases, however, the U.S. citizen must show that s/he has been living in India for about six months or longer and produce other evidence of residency in India to avail

him/herself of the faster processing by USCIS in Delhi.

U.S. citizens can show residency when the U.S. passport has a long-term Indian visa, along with the Residential Permit and a Registration Report issued by the Government of India's Foreigners Regional Registration Office (FRRO). Additionally, one must show evidence of employment in India, payment of taxes in India, receipts for rental or other regular payments, like utility bills that show residency in a country. Finally, entry and exit stamps in one's passport would indicate the length of the stay in any visit to India, and this is given weight by the USCIS.

A Person of Indian Origin (PIO) who has a PIO card is also exempt from registration requirements, unless s/he resides in India for over 180 days in one visit. If the stay exceeds 180 days, then s/he is required to register within 30 days after the 180-day stay.

If one is not able to show residency in India, s/he will be required to file the I-130 petition for the relative from the applicable USCIS service center in the U.S., and likely will be subjected to the much longer processing times, applicable to the USCIS service centers.