



Form I-730 Refugee/Asylee Following-to-Join Processing National Stakeholder Engagement Questions and Answers May 29, 2024

Background

U.S. Citizenship and Immigration Services (USCIS) conducted a national stakeholder engagement on May 29, 2024, on Form I-730, Refugee/Asylee Following-to-Join Processing. Please note that some of the stakeholder questions below may have been revised for clarity. The responses below are current as of May 29, 2024.

Processing Times Questions

Q1: What is being done to adjudicate the many refugee following-to-join petitions that have been lingering since 2020 and earlier?

A1: As of May 6, 2024, initial domestic processing of Form I-730 following-to-join refugee (FTJ-R) petitions shifted within RAIO from the Asylum Vetting Center, also known as ZGA, to the International Operations Domestic office, under the Refugee and International Operations (RIO) District, located in Washington, D.C. This is a dedicated unit within RIO International Operations (IO) supporting this workload. Having dedicated staff and resources to focus on Form I-730 FTJ-R domestic processing actions will make Form I-730 FTJ-R processing more efficient and streamlined to better serve petitioners and beneficiaries.

Q2: Short of filing a mandamus action in federal court, what is the best way to get a decision on a case that is outside of processing times?

A2: Generally, cases are processed on a first-in, first-out basis. USCIS is aligning our resources within RAIO to more efficiently process pending Form I-730 petitions. If there are particular circumstances that necessitate an expedite request, refer to uscis.gov/i-730.



USCIS recognizes the concerns from the public and Form I-730 petitioners about processing times for this program and we are making the necessary operational and procedural changes, as described throughout this engagement, to improve processing times and reduce wait times for Form I-730 petitioners and beneficiaries.

Backlog

Q3: At a recent public engagement event USCIS said that working on the backlog was more difficult than anticipated. Could we get an update on what is being done? Here are two examples.

- **Form I-730 filed in 2017. Spouse finally had an interview in July 2022. Nothing since then.**
- **Forms I-730 filed for 3 children in 2017. All three had interviews in March 2020. One of the children was now able to come in January 2023. The other two are still in Ethiopia. There has been no communication on whether something is missing or not.**

A3: USCIS is unable to provide information for case-specific inquiries. However, we would like to share the following efforts to minimize the Form I-730 backlog:

- (1) Currently, USCIS is consolidating processing and case management of newly filed Form I-730 petitions into a single case management system to increase overall processing efficiency. The unified system will streamline many aspects of Form I-730 processing across the agency, simplify administrative and adjudicative actions for USCIS staff working on different processing steps, and reduce administrative and logistical burdens of transferring Form I-730 petitions across USCIS components and external partners. (2) Also, the transfer of initial domestic processing from the Asylum Vetting Center to USCIS International Operations allows for a dedicated unit to support this workload to better serve Form I-730 FTJ-R petitioners and beneficiaries.
- For processing times there will be outliers. Sometimes cases are not ready for adjudication, perhaps due to a pending request for evidence or for other reasons and not attributed to service delays. HART Service Center has a dedicated team working through its caseload, which has seen a significant influx from Afghans receiving asylum. HART is working to expedite processing of recent Afghan asylees.

Afghan-related Questions

Q4: Would it ever be practical to complete the Form I-730 process in a third country and then request relocation assistance from the Department of States Coordinator for Afghan Relocation Efforts (CARE)? Or is CARE only for people willing to wait for a flight to a CARE platform while in Afghanistan, to then be transported and then complete the process?



A4: USCIS works closely with the Department of State Coordinator for Afghan Relocation Efforts (CARE). We cannot provide information for CARE, but please refer to state.gov/Afghanistan-inquiries for more about CARE.

As indicated on USCIS' [Form I-730](#) webpage, we are working with the Department of State to process Form I-730 beneficiaries in locations where there is not a U.S. government presence. If your beneficiary has relocated to another country, please use the contact information for USCIS and the Department of State to update your beneficiary's new address so USCIS or the Department of State can process them in a third country.

Q5: Are there any other resources from which a beneficiary could get travel assistance other than the International Organization for Migration or CARE?

A5: USCIS cannot advise on travel assistance resources for Form I-730 beneficiaries.

Interview Questions

Q6: When the consulate sends instructions on how to schedule an interview, does the beneficiary have to respond in a certain amount of time? How long do they have to respond? Does the consulate ever issue interview dates without consulting with the beneficiary?

A6: USCIS cannot provide information on Department of State processing of Form I-730 petitions. However, generally, the Department of State embassy or consulate will contact the Form I-730 beneficiary to schedule an interview and complete processing steps.

Q7: If a beneficiary can get to the consulate for her interview and finish processing her I-730 without a passport, what will she need to do to request a DS-232 to travel to the U.S.?

A7: A Form I-730 beneficiary does not need a passport to get a travel document to enter the United States. The Department of State may place the beneficiary's boarding foil on a Form DS-232. However, we cannot answer specific process questions on behalf of the Department of State. Stakeholders may refer to the Department of State's [Foreign Affairs Manual](#), 9 FAM 203.5-15, and 9 FAM 203.6-16 for more information about how to get Form DS-232 for Form I-730 beneficiaries. We will drop a link in the chat.

Form I-765 Questions

Q8: In our experience, some Form I-730 Following-to-Join (FTJ) beneficiaries have received their Employment Authorization Documents after they have been Consular processed and entered the U.S, but some



beneficiaries have not. This makes it difficult to know if and when we should file another Form I-765 for the FTJ beneficiary.

Additionally, since there is no receipt number for the I-765's submitted at the Consular Interview, there is no way of knowing the status or how long the processing times are for those Forms I-765 submitted with the Consular Offices. What is the standard processing practice and times for Forms I-765 submitted at a Consular Office by Form I-730 FTJ beneficiaries? Is the beneficiary able to request a Social Security card with the Form I-765 submitted at the Consular interview as well?

A8: The Form I-765 may only be filed after the Form I-730 beneficiary enters the United States. U.S. consular officers and USCIS officers include the form, which is completed by the beneficiary, in the travel packet the beneficiary carries with them to the United States and presents to Customs and Border Protection (CBP) at the port of entry. The CBP officer stamps Form I-765 when they admit the beneficiary at the port of entry and then mails it to USCIS' Nebraska Service Center. The Nebraska Service Center processes the form for adjudication. After we receive the paper form and enter it into our systems, we send a receipt notice to the applicant. When we approve Form I-765, that automatically generates a request for a Social Security card, if the applicant completed the required questions and consent on Form I-765. Currently, processing times for Form I-765 (a)(3) and (a)(5) applications are between 3.5 and 4 months from when USCIS receives it. USCIS is exploring options to make the Form I-765 process automated, which would streamline processing. We hope to have more updates on this in the future.

Informal Marriages

Q9: What kind of evidence is needed for Forms I-730 where the principal and beneficiary are in an informal marriage under the Informal Marriages Policy?

A9: Examples of evidence of an informal marriage may include, but are not limited to, a marriage ceremony, cohabitation over time, holding themselves out to be spouses over a period of time, and children born to the union. Per USCIS policy, in general the legal validity of a marriage is determined by the law of the place where the marriage was celebrated ("place-of-celebration rule"). However, RAIO recognizes a narrow exception to the general place-of-celebration rule that may be applied to Form I-730 adjudications – to obtain derivative refugee or asylee status – if there is evidence of an informal marriage. The term "informal marriage" includes marriages that are not legally recognized in the place of celebration for the reasons described in the Revised Guidance on Informal ("Camp") Marriage [memo](#). The exception may apply if the principal applicant demonstrates:

1. They are unable to legally marry or have their marriage legally recognized in the place of celebration, either as a result of their flight from persecution and



- circumstances beyond their control, or due to restrictive laws or practices in their country of origin or country of first asylum, and
2. There are indicia of a marriage.

As explained above, a non-exhaustive list of indicia of a marriage includes the color of a marriage ceremony, cohabitation over a period of time, children born to the union, or holding themselves out to be spouses over a period of time.

Q10: Is there any guidance that USCIS uses in adjudicating Forms I-730 where the beneficiary and the principal are in an informal marriage? Can you share this guidance?

A10: Please refer to the Revised Guidance on Informal (“Camp”) Marriages memo for additional information.

Q11: How many I-730s have been adjudicated under the Informal Marriages Policy? Can you share data on how many were same-sex couples?

A11: USCIS does not currently track this specific data.

Questions About USCIS Adjudications

Q12: Which office adjudicates Forms I-730 for asylees where the beneficiary is outside the United States?

A12: For detailed information on Form I-730 processing steps and USCIS components, please refer to uscis.gov/i-730. Both the USCIS office responsible for adjudication and the interviewing entity differ depending on where the beneficiary resides. Generally, if the beneficiary resides in a location outside the United States where USCIS has a permanent presence, the USCIS international office with jurisdiction over the beneficiary’s residence will interview the beneficiary and adjudicate the petition. You can find information about USCIS international offices on uscis.gov. If the beneficiary resides in a location outside the United States where USCIS does not have jurisdiction, then the Humanitarian, Adjustment, Removing Conditions and Travel Documents Service Center (also known as the HART Service Center), will adjudicate the petition and, if approved, send it to the Department of State consular office with jurisdiction over the beneficiary’s residence, and a Department of State consular officer will conduct a travel eligibility interview.

Q13: Which office adjudicates Forms I-730 for asylees where the beneficiary is inside the United States?

A: The USCIS field office with jurisdiction over the beneficiary’s place of residence in the United States interviews the Form I-730 beneficiary and adjudicates the Form I-730.



Q14: Which office adjudicates Forms I-730s for refugees?

A14: If the Form I-730 beneficiary is located inside the United States, the USCIS field office with jurisdiction over the beneficiary's place of residence interviews the Form I-730 beneficiary and adjudicates the Form I-730. USCIS may also decide to interview the petitioner.

If the beneficiary is outside the United States, where the beneficiary resides determines the office that adjudicates the Form I-730. Generally, if the beneficiary resides in a location outside the United States where USCIS has a permanent presence, the USCIS international office with jurisdiction over the beneficiary's residence will interview the beneficiary and adjudicate the petition. Currently, USCIS maintains international field offices in China, Cuba, El Salvador, Guatemala, Honduras, India, Kenya, Mexico, Qatar, and Turkey. Please note that the USCIS Nairobi Field Office also processes Form I-730 following-to-join refugee petitions for beneficiaries located in Burundi and Uganda. You can find information about USCIS international offices on uscis.gov. If the beneficiary resides in a location outside the United States where USCIS does not have jurisdiction, then, as of May 6, 2024, USCIS International Operations adjudicates the petition and, if approved, sends it to the Department of State consular office with jurisdiction over the beneficiary's residence, and a Department of State consular officer conducts a travel eligibility interview.

Q15: Is it possible for legal representatives to be more involved in the FTJ interview process? We have seen many arbitrary and inconsistent results coming from the different USCIS offices abroad, and there are very limited options for beneficiaries to advocate for themselves.

A15: A person may be represented by an attorney or other authorized legal representatives under 8 CFR 103.2(a)(b), 292.1(a). Since the question posed here does not specify the nature of the inconsistencies observed by the stakeholders, we cannot give a more detailed response. Please email any examples of these inconsistencies to public.engagement@uscis.dhs.gov. In the subject line, please indicate "Follow Up to May 2024 Form I-730 National Engagement." We will request that our offices route these examples to the appropriate USCIS component headquarters for review.



Policy Questions

Q17: What is USCIS' current policy on adjudication of Forms I-730 for beneficiaries in the U.S. who are subject to reinstatement of a prior removal order? Is the policy different if the prior removal order has not been reinstated by ICE (in contrast with those with prior orders that have in fact been reinstated)?

A17: USCIS notifies Immigration and Customs Enforcement's Enforcement and Removal Operations if a Form I-730 beneficiary appears to be subject to reinstatement of a prior removal order. If a beneficiary has re-entered the United States without prior authorization and ICE has already signed and served the Form I-871, the Form I-730 will be denied. *See* INA 241(a)(5). If the order is not or has not been reinstated, we will adjudicate the Form I-730 on the merits.

Q18: Please describe the Form I-730 and the Western Hemisphere process for Following-to-Join-Asylum and Following-to-Join-Refugee cases where the beneficiary is outside the United States. If the case is being processed by a USCIS field office, does it still go through the National Visa Center? If so, why is this step required?

A18: There is no regulatory requirement that Form I-730 petitions must go through the National Visa Center before being sent outside the United States. For Form I-730 beneficiaries in locations outside the United States, after the Form I-730 petition has completed initial domestic processing with USCIS, the physical Form I-730 petition and supporting documentation is sent to the USCIS international field office or the Department of State embassy or consulate via the National Visa Center. The National Visa Center simply facilitates sending the physical Form I-730 petition to the appropriate office, embassy, or consulate outside the United States.

Safe Mobility Offices

Q19: What training do embassies and consulates receive for conducting FTJ interviews? For Western Hemisphere cases, can USCIS route these cases where the beneficiary is in Ecuador, Colombia, Costa Rica, or Guatemala to the Safe Mobility Office (SMO) located in those countries?

USCIS cannot comment on specific Department of State training for consular officers. However, Department of State consular staff who process Form I-730 petitions use internal guidance on Form I-730 processing from the [Foreign Affairs Manual](#).



A: Safe Mobility Offices, or SMOs, are not staffed with USCIS adjudicators or run by the U.S. government. They are operated by international organization partners (United Nations High Commission for Refugees and International Office of Migration). SMOs are informational centers and not staffed or equipped to interview or complete processing steps for FTJ beneficiaries.

Q20: Could the Guatemala SMO process nationals from El Salvador, Guatemala, Honduras, and Nicaragua?

A: Soon, in addition to Guatemalans, eligible nationals of El Salvador, Nicaragua, and Honduras will be able to register at the SMO in Guatemala. At the SMO, individuals are screened for pathways and counseled on the next steps for lawful pathways. However, as mentioned, the Safe Mobility Offices are operated by international organization partners (UNHCR and IOM), not USCIS and therefore are not equipped with staff to interview or complete processing steps for FTJ beneficiaries.

Data

Q21: What factors might account for the differences between the asylum grant numbers and FTJ asylee travel document issuance numbers by nationality, particularly where Western Hemisphere nationalities are concerned? For example, in fiscal year 2022, Venezuelans had the second highest number of asylum grants, but they were not in the top 10 nationalities to receive FTJ asylee status. Some of this gap presumably may be attributed to the recency of asylum applications and approvals at scale from that nationality (e.g., Venezuelans), but for others, that explanation would not seem likely.

- **For example, ~4K Venezuelan Forms I-589swere granted in FY22, unknown FTJ asylee travel documents, FY20-22 3K Salvadorans, 400 FTJ 2K Guatemalans, 300 FTJ 2K Hondurans, unknown FTJ**

A21: USCIS cannot speculate on why there may be differences between asylum grant numbers and FTJ asylee travel document issuance numbers by nationality. Several factors, including family size, whether families traveled to the United States together or separately, the timing of the petitioner's grant of asylum, processing times, staffing levels, workload priorities, and the timing of Form I-730 filing could impact numbers.

Q22: How many Forms I-730 are pending now for Venezuelans, Salvadorans, Guatemalans, Hondurans, and Mexicans granted asylum affirmatively or defensively (relative to the grants FY2020-22, p. 13)? In I-730 FTJ-A processing, are any of these bottlenecks specific to nationals of Venezuela, El Salvador, Guatemala, Honduras, and Mexicans?



A22: From January 1, 2022, through May 8, 2024, USCIS received the following Form I-730 petitions, including both following-to-join asylee (FTJ-A) and following-to-join refugee (FTJ-R) cases:

El Salvador: 1,568 petitions, including 1,523 FTJ-A and 45 FTJ-R
Guatemala: 1,681 petitions, including 1,635 FTJ-A and 46 FTJ-R
Honduras: 988 petitions, including 973 FTJ-A and 15 FTJ-R
Mexico: 313 petitions, including 304 FTJ-A and fewer than 10 FTJ-R
Venezuela: 1,022 petitions, including 1,000 FTJ-A and 22 FTJ-R

USCIS is not aware of any bottlenecks specific to nationals of Western Hemisphere countries.

Q23: For Western Hemisphere nationalities, what are the main bottlenecks in I-730 FTJ-R processing?

A23: USCIS is not aware of any delays specific to nationals of Western Hemisphere countries.

Q24: For Western Hemisphere nationals, what are the current projections for I-730 FTJ-R travel document issuance by nationality by the end of calendar year 2024?

A24: USCIS is not aware of any projections specific to Western Hemisphere nationals. However, USCIS is committed to improving overall processing times for Form I-730 petitions. We continue to work to increase capacity, improve technology, and expand staffing to achieve this goal.

Q25: For Forms I-730 FTJ-A for Western Hemisphere nationals, what nationalities have the biggest discrepancies between Form I-730 FTJ-R eligibility to file and filing, Form I-730 FTJ-R filing and adjudication, Form I-730 FTJ-A eligibility to file and filing, and Form I-730 FTJ-A filing and adjudication?

A25: As noted in the previous responses, the number of Form I-730 petitions filed by certain populations may vary greatly depending on several factors. USCIS is not aware of any discrepancies, per se, in Form I-730 filings for nationals of Western Hemisphere countries.

Q26: For Western Hemisphere nationals, what percent of Forms I-730 have been approved but face exit requirement obstacles to departing for the United States?



U.S. Citizenship and Immigration Services

Public Engagement Division

A26: USCIS does not track information on exit requirement obstacles for Form I-730 beneficiaries. In situations where a Form I-730 beneficiary completes all processing steps and the Form I-730 petition is approved, but the beneficiary is unable to exit their county, we recommend they notify the USCIS international field office or Department of State embassy or consulate with jurisdiction over their case about the issue.