



Published on *US Immigration Lawyer, Law Offices of Rajiv S. Khanna, PC, Rajiv S. Khanna* (<https://immigration.com>)

Consular Processing

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Submitted by Chief Editor on Nov 25th 2013

What is consular processing?

ANSWER:

The Immigration and Nationality Act (INA) offers an individual two primary paths to permanent resident status (a green card). An individual who is the beneficiary of an approved immigrant petition and has an immigrant visa number immediately available may apply at a U.S. Department of State consulate abroad for an immigrant visa in order to come to the United States and be admitted as a permanent resident. This pathway is referred to as ?consular processing.?

Adjustment of status is an alternate process by which an eligible person, who is already in the United States, can apply for permanent resident status without having to return to his/her home country to complete processing. For more information, see our [Adjustment of Status](#) ^[2] page .

Steps for Consular Processing

1. Determine Your Basis to Immigrate

The first step in consular processing is to determine if you fit into a specific immigrant category. Most immigrants become eligible for a green card (permanent residence) through a petition filed on your behalf by a family member or employer. Others become permanent residents through first obtaining refugee or asylum status, or through a number of other special provisions. To see the many different ways to get a green card, see the links to the left.

2. File the Immigrant Petition

When you know what category you believe best fits your situation, in most cases, you will need to have an immigrant petition filed on your behalf.

- **Family Based**

Family based categories require that a U.S. citizen or permanent resident relative file a [Form I-130](#)

[3], [Petition for Alien Relative](#), for you. For more information, see our [Family](#) [4] page.

- **Employment Based**

Employment based categories most often require the intending U.S. employer to file a [Form I-140](#), [5] [Petition for Alien Worker](#), for you. Entrepreneurs who intend to invest significant amounts of capital into a business venture in the United States may file [Form I-526](#) [6], [Immigrant Petition by Alien Entrepreneur](#)? on their own behalf. For more information, see [Working in the U.S.](#) [7] page.

- **Special Classes of Immigrants**

In some cases, certain immigrants may file a [Form I-360](#) [8], [Petition for Amerasian, Widow\(er\), and Special Immigrant](#), or have one filed on their behalf.

- **Humanitarian Programs**

Most humanitarian programs do not require an underlying petition, although individuals may need to meet additional requirements before they can adjust status. For more information, see [Humanitarian](#) [9] page.

Although immigrant petitions are filed with USCIS, In some cases, an I-130 petition may be filed for an immediate relative (spouse, child, or parent of a U.S. citizen) with a U.S. embassy or consulate abroad. Situations where this may be applicable include:

- If the U.S. citizen has been authorized to be continuously residing within the jurisdiction of the consular office for at least the previous 6 months
- Members of the military
- Emergency situations
- Situations involving the health or safety of the petitioner
- When in the national interests of the United States

Please check with the consulate before submitting a petition. For more information, see the [U.S. Department of State](#) [10] website.

3. Wait for a Decision on Your Petition

USCIS notifies the petitioner of a decision. If the petition is denied, the notice will include the reasons for denying the petition and any rights to appeal the decision. If the petition is approved and if you are the beneficiary of the petition and living outside the United States or living in the United States, but choose to apply for your immigrant visa abroad, USCIS will then send the approved petition to the Department of State's National Visa Center (NVC), where it will remain until an immigrant visa number is available. See [Visa Availability & Priority Dates](#) [11] pages for more information.

4. Wait for Notification from the National Visa Center

The National Visa Center, which is responsible for the collection of visa application fees and supporting documentation, will notify the petitioner and beneficiary when the visa petition is received and again when an immigrant visa number is about to become available. They will also notify the petitioner and beneficiary of when they must submit immigrant visa processing fees (commonly referred to as "fee bills") and when supporting documentation must be submitted.

5. Go to Your Appointment

Once a visa is available or a beneficiary's priority date is current (earlier than the cut-off date listed in the monthly Visa Bulletin), the consular office will schedule the applicant for an interview. The consular office will complete processing of the applicant's case and decide if the beneficiary is eligible for an immigrant visa.

6. Notify the National Visa Center of Any Changes

You do not need to contact the National Visa Center about your petition, they will contact you for the information they need. You should, however, contact the NVC if there is a change in your personal situation or if you change your address. For NVC contact information, see the "NVC Contact Information" link to the right. It is important to notify the NVC if you reach the age of 21 for a child or have a change in your marital status, as this may affect your eligibility or visa availability.

7. After Your Visa is Granted

If you are granted an immigrant visa, the consular officer will give you a packet of information. This packet is known as a "Visa Packet." You should not open this packet.

Upon your arrival to the United States, you should give your Visa Packet to the Customs and Border Protection officer at the port of entry. You will be inspected by a Customs and Border Protection officer and if found admissible, will be admitted as a permanent resident of the United States, which gives you the authority to live and work in the United States permanently.

8. Receive Your Green Card

You will be mailed your green card. If you do not receive your green card within 30 days of your arrival, please call the USCIS National Customer Service Center at 1-800-375-5283 or visit your local office by making an InfoPass appointment. Make an appointment by visiting the [Infopass](#) ^[12] page.

Unless the context shows otherwise, all answers here were provided by [Rajiv](#) ^[13] and were compiled and reported by our editorial team from comments and blog on [immigration.com](#) ^[14]

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Links:

[1] <https://immigration.com/faq/adjustment-status/consular-processing>

[2] <http://www.immigration.com/greencard/advance-parole/i-485-ead-ap-fp>

[3] <http://www.uscis.gov/i-130>

[4] <http://www.immigration.com/greencard/family-based-green-cards/family-based-green-card>

[5] <http://www.uscis.gov/i-140>

[6] <http://www.uscis.gov/i-526>

[7] <http://www.uscis.gov/node/41823>

[8] <http://www.uscis.gov/i-360>

[9] <http://www.uscis.gov/node/41964>

- [10] <http://www.state.gov/>
- [11] <http://www.uscis.gov/node/41918>
- [12] <http://infopass.uscis.gov/>
- [13] <http://www.immigration.com/law-offices-rajiv-s-khanna-pc>
- [14] <http://www.immigration.com>
- [15] <https://immigration.com/JavaScript%3Avoid%280%29%3B>