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USCIS Clarifies Family Visa Petition Rules

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The U.S. Citizenship and Immigration Services (USCIS) has issued new guidance clarifying how family-based immigrant visa petitions are reviewed under the Immigration and Nationality Act (INA). The changes are effective immediately and apply to both pending and new Form I-130 petitions.

The updated policy, consolidated into Volume 6 of the USCIS Policy Manual, outlines eligibility requirements, filing steps, and the documentation needed to verify family

relationships, with a specific focus on confirming that marriages are both legally valid and bona fide.

The guidance also addresses how USCIS processes multiple or related petitions, and under which conditions the U.S. The Department of State (DOS) may accept direct Form I-130 filings from U.S. citizens residing abroad including members of the military, government employees stationed overseas, or during widespread disruptions.

In addition, the update specifies when USCIS will send approved petitions to the DOS National Visa Center, particularly in cases where the beneficiary is not eligible for adjustment of status within the United States.

The agency emphasized that approval of a family petition does not grant lawful immigration status or protect a beneficiary from removal. In cases where a beneficiary is found to be removable under immigration law, USCIS may issue a Notice to Appear (NTA), initiating removal proceedings.

The revised policy aims to streamline procedures and ensure that visa adjudications remain consistent with existing law and national security priorities.