

# Exceptional I-130 filing for U.S. Active Duty Military Members

## Overview

If you are an active duty U.S. military member permanently assigned to U.S. military bases outside of the United States where USCIS (United States Citizenship and Immigration Services) does not have a presence, you may file I-130 petition process at US Embassy Tokyo or Consulate General Naha on behalf of your immediate relatives. Please note that this blanket exception does not apply to Department of Defense civilians and contractors.

## How to start the process

Send a request to [TokyoIV@state.gov](mailto:TokyoIV@state.gov) with the following information:

- Full legal names of petitioner and beneficiary
- Full date of births of petitioner and beneficiary
- Proof of eligibility such as copy of PCS order to Japan  
(TDY status to Japan does not suffice for blanket exception)

Immigration Section of the U.S. Embassy determines your eligibility for exceptional filing, and will contact you to let you know the documents needed to bring for the initial interview.

## Supporting Documents

Translations do not have to be notarized as long as the translator certifies the translation. Visit Military One Source website for free translation services for military members.  
[http://www.militaryonesource.mil/legal?content\\_id=268293](http://www.militaryonesource.mil/legal?content_id=268293)

## Embassy/Consulate Appointment

You must appear at the Embassy fifteen minutes prior to your appointment time. Arrive early to ensure any delays due to security do not cause you to miss your appointment. You may only bring a cellphone, small purse (no larger than 10" x 10"), clear plastic folder for documents, and an umbrella. Laptops, large purses, backpacks and food/drink are forbidden. Please read the security restrictions at the Embassy for further details of what you can and cannot bring.

## USCIS Lockbox remains available

Although, active duty U.S. service members may file a petition directly in Tokyo or Naha, the traditional method of filing an I-130 petition with the USCIS Chicago Lockbox facility remains available to all U.S. citizens petitioning for a family member. They accept petitions by mail. If you can not make a trip to Tokyo or Naha, this may be a more convenient option.

## Blanket Exception FAQs

Detailed information for blanket exception issued by the immigrant visa section.



Office of the Staff Judge Advocate

# LEGAL ASSISTANCE

U.S. Army Japan



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**Exceptional I-130 filing for US Active Duty Military Members** is distributed by the Camp Zama Legal Assistance Office, located in Building 101, Room CE209. Our office hours are 0830 to 1630 Monday, Tuesday, Thursday and Friday. On Wednesday, our hours are 0830 to 1200. You may call for an appointment at DSN 263-4698/commercial 046-407-4698.



## **Blanket Exception FAQs**

### **What is “Blanket Exception?”**

United States Citizenship and Immigration Services (USCIS) has granted a blanket exception to the Department of State to accept and adjudicate immigrant visa petitions for immediate relatives filed by qualified active duty U.S. service members permanently assigned to U.S. military bases outside of the United States where USCIS does not have a presence. USCIS has granted this authorization to the Department of State in Japan and in all other countries where USCIS does not have presence.

### **What does this mean?**

Filing the petition directly with Embassy Tokyo or Consulate General Naha simplifies the process and dramatically shortens the time it takes to obtain an immigrant visa, which is the first step towards a “green card.” Instead of filing the petition with USCIS stateside, you will deal directly with the Immigrant Visa Unit in Tokyo or Naha (depending on where your loved one would like to have his or her visa interview).

### **Who is qualified for the new “Blanket Exception?”**

Active duty service members who have permanent change of station (PCS) orders assigning them permanently to Japan may file an [I-130 petition](#) in person at Embassy Tokyo or Consulate General Naha. At this time, the blanket exception does not apply to Department of Defense civilians and contractors, dependents of active duty military service members, or service members temporarily stationed or deployed in Japan.

### **Who qualifies as an “Immediate Relative?”**

Active duty U.S. service members may file I-130 petitions in Tokyo or Naha on behalf of their spouse, parent, or unmarried child under age 21. Petitions for all other relatives (*i.e.*, unmarried child over age 21, married child, and sibling) must be filed with the USCIS Chicago Lockbox facility.

### **How to file a petition under the new Blanket Exception**

Although qualified service members in Japan may file their I-130 petition at either Embassy Tokyo or Consulate General Naha, we recommend filing the petition based on where your family member would like to be interviewed.

Embassy Tokyo is exploring options for a web-based Petition Filing appointment system, but in the meantime please send an appointment request with the following information to

[TokyoIV@state.gov](mailto:TokyoIV@state.gov).

- Full legal name of Petitioner and Beneficiary
- Full date of birth of Petitioner and Beneficiary
- Proof of eligibility for blanket exception (*e.g.*, scanned copy of PCS orders to Japan)



For appointments at Consulate General Naha, please send the same information to [NahaIV@state.gov](mailto:NahaIV@state.gov).

After we receive the appointment request email, we will work with the petitioner to confirm eligibility, collect the necessary documents, and schedule a petition filing appointment. If we are able to approve the petition, we will then work with the petitioner and/or beneficiary to collect any required documents and schedule the immigrant visa interview. In the majority of cases, visas are approved and returned to the applicant within approximately one week of the interview.

### **What happens if a petition is not “clearly approvable?”**

USCIS authorized the Department of State to adjudicate only I-130 petitions that are deemed “clearly approvable.” Petitions accepted in Tokyo or Naha that are not clearly approvable will be sent to the USCIS Seoul Field Office for adjudication. Petitions that are not “clearly approvable” would include cases in which the adjudicating Consular Officer is unable to verify the petitioner’s U.S. citizenship or the relationship between the petitioner and beneficiary.

Examples may include, but are not limited to, cases in which a petitioner or beneficiary claims no prior marriage on the petition form but the Consular Officer has reason to believe an untermiated marriage exists, or an adoption case in which the Consular Officer is unable to verify certain requirements related to inter-country adoptions.

### **Can I file an I-130 in Tokyo or Naha if I’ve already filed a petition directly with USCIS?**

While USCIS does not prohibit submission of a second petition on behalf of the same beneficiary, we recommend that the petitioner contact the [USCIS Military Help Line](tel:1-877-247-4645) (1-877-247-4645) to request expedited processing of the original I-130. If a petitioner wishes to file a second petition, he or she must pay a new filing fee, and the initial filing fee will not be refunded.

### **USCIS Lockbox remains available**

Although, active duty U.S. service members may file a petition directly in Tokyo or Naha, the traditional method of filing an I-130 petition with the USCIS Chicago Lockbox facility remains available to all U.S. citizens petitioning for a family member. For active duty service members with a year or more left on their assignment in Japan, this may be a more convenient option. Visit the USCIS website for [Lockbox Filing](#) tips.

### **“Exceptional Filing” for U.S. Citizen Petitioners that are not active duty military**

Under certain circumstances, and on a case-by-case basis, the USCIS Seoul Field Office may authorize the Department of State to accept and approve I-130 petitions for U.S. citizen petitioners that are not active duty military. This would apply to any Department of Defense civilians and contractors, active duty dependents, service members temporarily stationed or deployed to Japan, and non-military petitioners. Visit the USCIS website for more information about what circumstances may qualify for [exceptional handling](#).