



U.S. Citizenship
and Immigration
Services

June 13, 2006

Public Notice

USCIS NOTIFIES PUBLIC OF NEW POLICY CONCERNING FIANCÉ(E) PETITIONS *Agency to Request Additional Evidence to Comply with IMBRA*

Washington, DC – U.S. Citizenship and Immigration Services (USCIS) announced today that in order to comply with provisions of the International Marriage Brokers Regulation Act of 2005 (IMBRA), it will need to issue “Requests for Evidence” for more than 10,000 Alien Fiancé(e) Petitions (Form I-129F) currently being held at USCIS Service Centers. USCIS will begin issuing RFEs to affected petitioners as soon as the RFE template has been approved and cleared by the Office of Management and Budget (OMB).

Although USCIS began work on necessary revisions to the Form I-129F shortly after passage of IMBRA, the form has not yet received OMB clearance. All petitions filed on or after March 6 must be supplemented with additional information to satisfy the new evidentiary requirements established by IMBRA. To adjudicate the petitions that are being held as quickly and efficiently as possible, USCIS, upon clearance from OMB, will issue “Requests for Evidence” (RFEs) asking petitioners to provide the additional information including data pertaining to a petitioner’s criminal history (if any). Details on the waiver process for those affected by the new limitation for filings of I-129Fs are also provided in the RFE. A new Form I-129F that incorporates these changes should become available later in June. In certain circumstances, USCIS may need to issue a second RFE to some petitioners later in the process if it is determined that other required information was not provided in the initial filing.

The Violence Against Women Act (VAWA) and Department of Justice Reauthorization Act of 2005, of which IMBRA is a part, are designed to continue Congress’s efforts to prevent domestic violence and spousal abuse. Immigrants who have been victims of domestic violence have long benefited from VAWA immigration provisions, which allow abused spouses and children to self-petition for lawful immigration status. Under IMBRA, Congress has further extended those protections by regulating more closely the international marriage broker market and by requiring disclosure of violent criminal history, such as domestic abuse, rape, or murder, of which a fiancé(e) may be unaware.

–USCIS –

On March 1, 2003, U.S. Citizenship and Immigration Services became one of three legacy INS components to join the U.S. Department of Homeland Security. USCIS is charged with fundamentally transforming and improving the delivery of immigration and citizenship services, while enhancing the integrity of our nation's security.