DEMAND LETTER TEMPLATE — I-130 UNREASONABLE DELAY

Replace everything in [BRACKETS]. Delete any paragraph that does not apply to you.

[YOUR FULL NAME]
[STREET ADDRESS]
[CITY, PROVINCE/STATE, POSTAL CODE, COUNTRY]
[EMAIL] · [PHONE]

[DATE OF SENDING]

Via Email: uscis.serviceofprocess@uscis.dhs.gov
Via Certified Mail, Return Receipt Requested

[Email is the channel that reliably lands. Mail a paper copy too if you can, but don't count on confirmed delivery from outside the US.]

Office of the Chief Counsel
U.S. Citizenship and Immigration Services
5900 Capital Gateway Drive, Mail Stop 2120
Camp Springs, MD 20588-0009

Re: Demand for Adjudication of Form I-130 Petition — Receipt Number [RECEIPT NUMBER]

To the Office of the Chief Counsel:

My Form I-130 petition has been pending for [X] months — [X] days — with no adjudication, no Request for Evidence, and no substantive action taken.

[Paragraph 1 — the hook. Lead with the number. Adjust the second clause if you HAVE had an RFE or interview; don't claim otherwise.]

I am a United States citizen, born in this country and a [STATE] resident for [X] years. I later moved to [COUNTRY] [REASON — e.g. for a career opportunity] and started my family there, and I remain a registered voter in [STATE]. On [FILING DATE], I filed Form I-130, Petition for Alien Relative, on behalf of my [spouse/parent/child], [BENEFICIARY FULL NAME], a [NATIONALITY] citizen residing in [COUNTRY], for consular processing. The petition was receipted as [RECEIPT NUMBER]. As of the date of this letter, the publicly available case status remains "[CURRENT STATUS TEXT]", unchanged since the day of filing. USCIS has issued no Request for Evidence, no Notice of Intent to Deny, and no interview notice. The petition is complete and no action is required of me.

[Paragraph 2 — who you are and what you filed. The US-ties sentences matter if you live abroad: voter registration, tax filings, state ID, bank accounts. List only what's true.]

The delay is causing concrete harm to my family. [DESCRIBE YOUR SITUATION — where everyone currently lives and what the delay prevents.] [IF CHILDREN: Each of our [N] children is a United States citizen, documented by a Consular Report of Birth Abroad, and none of them

is able to live in their own country.] [IF YOU HAVE A SPECIFIC, TIME-SENSITIVE HARDSHIP — a job relocation, a lease, a school enrollment deadline, a medical issue — STATE IT PLAINLY HERE AND SAY WHAT IT FORCES YOU TO CHOOSE BETWEEN.] We are unable to establish any reliable timeline for relocation, which has prevented us from making arrangements for schooling, housing, and employment.

[Paragraph 3 — the most important paragraph to customize. Generic "we miss each other" is weak. A specific, dated, documentable consequence is strong. Write the forced choice explicitly: the delay makes you pick between X and Y.]

I have exhausted the administrative channels available to me. [LIST EVERY INQUIRY WITH DATES AND OUTCOMES — senators, representative, White House webform, e-request, Ombudsman, USCIS Contact Center. Say what each one produced, including "no response."] None of these channels has produced an adjudication or any substantive information about my case.

[Paragraph 4 — exhaustion of remedies. Non-responses count and are worth naming. If USCIS's Get Inquiry Date tool bars you from filing a service request, say so and give the date — it proves no remedy is available.]

USCIS may characterize this case as within "normal processing times." That characterization does not address the governing legal standard. In 8 U.S.C. § 1571(b), Congress expressed that the processing of an immigration benefit application should be completed not later than 180 days after initial filing. In 8 U.S.C. § 1572, Congress defined "backlog" as the period of time in excess of 180 days that such an application has been pending. My petition passed the 180-day mark on approximately [DATE = FILING DATE + 180 DAYS]. It has therefore been in a congressionally defined backlog for [X] days. Congress provided USCIS with the mechanisms and resources to eliminate such backlogs; the agency's failure to do so does not redefine what constitutes a reasonable processing time.

[Paragraph 5 — the statutory anchor. Use this verbatim; only the dates change. "Sense of Congress" language is not a binding deadline, so don't claim USCIS broke a legal limit. It's a benchmark, and it's the one fixed number in a process where everything else moves.]

USCIS's own benchmarks have moved substantially during the pendency of my petition rather than remaining stable. The published processing time for this form and category was approximately [X] months when I filed; it has since been posted at [LIST EACH FIGURE YOU CAPTURED] and now stands at [CURRENT FIGURE] months. [IF APPLICABLE: Had I waited to reach the [X]-month estimate in effect when I filed, as I now have, the estimate would already have moved more than [X] months beyond it.] The agency's Get Inquiry Date tool has moved in parallel: [EARLIER DATE YOU WERE GIVEN, AND WHEN]. As of today, that tool returns [CURRENT INQUIRY DATE] — [X] months after my filing date. Under USCIS's own methodology, the date on which I may simply inquire about my petition recedes faster than the passage of time.

[Paragraph 6 — the goalpost argument. Only include figures you have screenshots of. This paragraph is what defeats "you're within normal processing times": if the number keeps moving, it isn't a standard. Screenshot the processing time and the Get Inquiry Date the same week you send.]

A Complaint for Writ of Mandamus is prepared and enclosed with this letter. It names as defendants U.S. Citizenship and Immigration Services; [CURRENT USCIS DIRECTOR], Director of USCIS; [CURRENT DHS SECRETARY], Secretary of Homeland Security; [CURRENT ATTORNEY GENERAL], Attorney General of the United States; and the United States Attorney for the [DISTRICT], each in an official capacity. The complaint seeks an order compelling adjudication of my petition under the Administrative Procedure Act, 5 U.S.C. §§ 555(b) and 706(1), and the federal mandamus statute, 28 U.S.C. § 1361.

[Paragraph 7 — only include this if you have actually drafted the complaint and are attaching it. Look up the current officeholders; they change. Venue is normally the district where you reside.]

I demand that USCIS adjudicate Form I-130, receipt number [RECEIPT NUMBER], within thirty (30) days of the date of this letter, that is, on or before [DEADLINE DATE]. If no decision is issued by that date, I will file the enclosed complaint in the United States District Court for the [DISTRICT] without further notice.

[Paragraph 8 — the demand. Give a specific calendar date, not just "30 days." Don't threaten anything you aren't prepared to do.]

I would prefer to resolve this matter without litigation. If any additional information or documentation would facilitate adjudication, I will provide it immediately upon request.

Respectfully,

_____

[YOUR NAME]
Petitioner

Enclosure: Complaint for Writ of Mandamus, [YOUR SURNAME] v. U.S. Citizenship and Immigration Services, et al.

SUGGESTED EXHIBITS

Only list what you actually have. A promised exhibit that isn't there undercuts everything else.

A — Filing confirmation for Form I-130 (I-797C receipt notice, or printouts of your online case page if you never received one)
B — Printouts of your USCIS online case status and case history
C — Printouts of Case Processing Times and Get Inquiry Date results
D — Congressional correspondence (one exhibit per office)
E — Any other inquiry confirmations (White House webform, Ombudsman, e-request)
F — This demand letter with proof of mailing