

Instructions

Read the instructions carefully. If you do not follow the instructions, the U.S. Citizenship and Immigration Services (USCIS) may have to return your petition, which may delay final action. NOTE: USCIS is comprised of offices of the former Immigration and Naturalization Service.

1. Who May File?

A citizen or lawful permanent resident of the United States may file this form with the U.S. Citizenship and Immigration Services (USCIS) to establish a relationship to certain alien relatives who wish to immigrate to the United States.

You must file a separate form for each eligible relative.

2. For Whom May You File?

A. If you are a citizen, you may file this form for:

- 1) Your husband, wife or unmarried child under 21 years old;
- 2) Your parent if you are at least 21 years old;
- 3) Your unmarried son or daughter over 21 years old;
- 4) Your married son or daughter of any age;
- 5) Your brother or sister if you are at least 21 years old.

B. If you are a lawful permanent resident, you may file this form for:

- 1) Your husband or wife;
- 2) Your unmarried child under 21 years of age;
- 3) Your unmarried son or daughter over 21 years of age.

NOTE:

- If your relative qualifies under paragraph A(3), A(4) or A(5) above, separate petitions are not required for his or her husband or wife or unmarried children under 21 years of age.
- If your relative qualifies under paragraph B(2) or B(3) above, separate petitions are not required for his or her unmarried children under 21 years of age.
- The persons described above under this NOTE will be able to apply for an immigrant visa along with your relative.

3. For Whom May You Not File?

You may not file for a person in the following categories:

- A. An adoptive parent or adopted child, if the adoption took place after the child's 16th birthday, or if the child has not been in the legal custody and living with the parent(s) for at least two years.
- B. A natural parent, if the United States citizen son or daughter gained permanent residence through adoption.
- C. A stepparent or stepchild, if the marriage that created the relationship took place after the child's 18th birthday.
- D. A husband or wife, if you and your spouse were not both physically present at the marriage ceremony, and the marriage was not consummated.
- E. A husband or wife, if you gained lawful permanent resident status by virtue of a prior marriage to a United States citizen or lawful permanent resident, unless:

- 1) A period of five years has elapsed since you became a lawful permanent resident; or
- 2) You can establish by clear and convincing evidence that the prior marriage through which you gained your immigrant status was not entered into for the purpose of evading any provision of the immigration laws; or
- 3) Your prior marriage through which you gained your immigrant status was terminated by the death of your former spouse.

F. A husband or wife, if he or she was in exclusion, deportation, removal, rescission or judicial proceedings regarding his or her right to remain in the United States when the marriage took place, unless such spouse has resided outside the United States for a two-year period after the date of the marriage.

G. A husband or wife, if it has been legally determined that such an alien has attempted or conspired to enter into a marriage for the purpose of evading the immigration laws.

H. A grandparent, grandchild, nephew, niece, uncle, aunt, cousin or in-law.

4. What Are the General Filing Instructions?

- A. Type or print legibly in black ink.
- B. If extra space is needed to complete any item, attach a continuation sheet, indicate the item number, and date and sign each sheet.
- C. Answer all questions fully and accurately. If any item does not apply, write "N/A."
- D. **Translations.** Any foreign language document must be accompanied by a full English translation that the translator has certified as complete and correct, and by the translator's certification that he or she is competent to translate the foreign language into English.
- E. **Copies.** If these instructions state that a copy of a document may be filed with this petition, submit a copy. If you choose to send the original, USCIS may keep that original for our records. If USCIS requires the original, it will be requested.

5. What Documents Do You Need to Show That You Are a United States Citizen?

- A. If you were born in the United States, a copy of your birth certificate, issued by the civil registrar, vital statistics office, or other civil authority. If a birth certificate is not available, see **Section 9 on Page 3** titled, "**What If a Document Is Not Available?**"

- B. A copy of your naturalization certificate or certificate of citizenship issued by USCIS or the former INS.
- C. A copy of Form FS-240, Report of Birth Abroad of a Citizen of the United States, issued by an American embassy or consulate.
- D. A copy of your unexpired U.S. passport; or
- E. An original statement from a U.S. consular officer verifying that you are a U.S. citizen with a valid passport.
- F. If you do not have any of the above documents and you were born in the United States, see instructions under **Section 9 on Page 3, "What If a Document Is Not Available?"**

6. What Documents Do You Need to Show That You Are a Permanent Resident?

If you are a permanent resident, you must file your petition with a copy of the front and back of your permanent resident card. If you have not yet received your card, submit copies of your passport biographic page and the page showing admission as a permanent resident, or other evidence of permanent resident status issued by USCIS or the former INS.

7. What Documents Do You Need to Prove a Family Relationship?

You have to prove that there is a family relationship between you and your relative. If you are filing for:

A. A husband or wife, submit the following documentation:

- 1) A copy of your marriage certificate.
- 2) If either you or your spouse were previously married, submit copies of documents showing that all prior marriages were legally terminated.
- 3) A passport-style color photo of yourself and a passport-style color photo of your husband or wife, taken within 30 days of the date of this petition. The photos must have a white background and be glossy, unretouched and not mounted. The dimensions of the full frontal facial image should be about 1 inch from the chin to top of the hair. Using pencil or felt pen, lightly print the name (and Alien Registration Number, if known) on the back of each photograph.
- 4) A completed and signed Form G-325A, Biographic Information, for you and a Form G-325A for your husband or wife. Except for your name and signature, you do not have to repeat on the Form G-325A the information given on your Form I-130 petition.

B. A child and you are the mother: Submit a copy of the child's birth certificate showing your name and the name of your child.

C. A child and you are the father: Submit a copy of the child's birth certificate showing both parents' names and your marriage certificate.

D. A child born out of wedlock and you are the father: If the child was not legitimated before reaching 18 years old, you must file your petition with copies of evidence that a bona fide parent-child relationship existed between the father and the child before the child reached 21 years. This may include evidence that the father lived with the child, supported him or her, or otherwise showed continuing parental interest in the child's welfare.

E. A brother or sister: Submit a copy of your birth certificate and a copy of your brother's or sister's birth certificate showing that you have at least one common parent. If you and your brother or sister have a common father but different mothers, submit copies of the marriage certificates of the father to each mother and copies of documents showing that any prior marriages of either your father or mothers were legally terminated. If you and your brother or sister are related through adoption or through a stepparent, or if you have a common father and either of you were not legitimated before your 18th birthday, see also **H** and **I** below.

F. A mother: Submit a copy of your birth certificate showing your name and your mother's name.

G. A father: Submit a copy of your birth certificate showing the names of both parents. Also give a copy of your parents' marriage certificate establishing that your father was married to your mother before you were born, and copies of documents showing that any prior marriages of either your father or mother were legally terminated. If you are filing for a stepparent or adoptive parent, or if you are filing for your father and were not legitimated before your 18th birthday, also see **D**, **H** and **I**.

H. Stepparent/stepchild: If your petition is based on a stepparent-stepchild relationship, you must file your petition with a copy of the marriage certificate of the stepparent to the child's natural parent showing that the marriage occurred before the child's 18th birthday, and copies of documents showing that any prior marriages were legally terminated.

I. Adoptive parent or adopted child: If you and the person you are filing for are related by adoption, you must submit a copy of the adoption decree(s) showing that the adoption took place before the child became 16 years old. If you adopted the sibling of a child you already adopted, you must submit a copy of the adoption decree(s) showing that the adoption of the sibling occurred before that child's 18th birthday. In either case, you must also submit copies of evidence that each child was in the legal custody of and resided with the parent(s) who adopted him or her for at least two years before or after the adoption. Legal custody may only be granted by a court or recognized government entity and is usually

granted at the time the adoption is finalized. However, if legal custody is granted by a court or recognized government agency prior to the adoption, that time may count to fulfill the two-year legal custody requirement.

8. What If Your Name Has Changed?

If either you or the person you are filing for is using a name other than shown on the relevant documents, you must file your petition with copies of the legal documents that effected the change, such as a marriage certificate, adoption decree or court order.

9. What If a Document Is Not Available?

In such situation, submit a statement from the appropriate civil authority certifying that the document or documents are not available. You must also submit secondary evidence, including:

- A. Church record:** A copy of a document bearing the seal of the church, showing the baptism, dedication or comparable rite occurred within two months after birth, and showing the date and place of the child's birth, date of the religious ceremony and the names of the child's parents.
- B. School record:** A letter from the authority (preferably the first school attended) showing the date of admission to the school, the child's date of birth or age at that time, place of birth, and names of the parents.
- C. Census record:** State or Federal census record showing the names, place of birth, date of birth or the age of the person listed.
- D. Affidavits:** Written statements sworn to or affirmed by two persons who were living at the time and who have personal knowledge of the event you are trying to prove. For example, the date and place of birth, marriage or death. The person making the affidavit does not have to be a U.S. citizen. Each affidavit should contain the following information regarding the person making the affidavit: his or her full name, address, date and place of birth and his or her relationship to you, if any, full information concerning the event, and complete details explaining how the person acquired knowledge of the event.

10. Where Should You File This Form?

If you reside in the United States, file this form at the USCIS Service Center having jurisdiction over your place of residence.

If you live in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, U.S. Virgin Islands, Virginia or West Virginia, mail this petition to:

USCIS Vermont Service Center
75 Lower Welden Street
St. Albans, VT 05479-0001

If you live in Alaska, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin or Wyoming, mail this petition to:

USCIS Nebraska Service Center
P.O. Box 87130,
Lincoln, NE 68501-7130

If you live in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee or Texas, mail this petition to:

USCIS Texas Service Center
P.O. Box 850919
Mesquite, TX 75185-0919

If you live in Arizona, California, Guam, Hawaii or Nevada, mail this petition to:

USCIS California Service Center
P.O. Box 10130,
Laguna Niguel, CA 92607-0130

NOTE: If the Form I-130 petition is being filed concurrently with Form I-485, Application to Register Permanent Residence or Adjust Status, submit both forms at the local USCIS office having jurisdiction over the place where the Form I-485 applicant resides.

Applicants who reside in the jurisdiction of the Baltimore, MD, USCIS District Office should submit the Form I-130 petition and the Form I-485 concurrently to:

USCIS Vermont Service Center
75 Lower Welden Street
St. Albans, VT 05479-0001

Petitioners residing abroad: If you live in Canada, file your petition at the Vermont Service Center. **Exception:** If you are a U.S. citizen residing in Canada, and you are petitioning for your spouse, child, or parent, you may file the petition at the nearest American Embassy or Consulate, except for those in Quebec City. If you reside elsewhere outside the United States, file your relative petition at the USCIS office overseas or the U.S. Embassy or Consulate having jurisdiction over the area where you live. For further information, contact the nearest American Embassy or Consulate.

11. What Is the Fee?

You must pay **\$190.00** to file this form. **The fee will not be refunded, whether the petition is approved or not. Do not mail cash.** All checks or money orders, whether U.S. or foreign, must be payable in U.S. currency at a financial institution in the United States. When a check is drawn on the account of a person other than yourself, write your name on the face of the check. If the check is not honored, USCIS will charge you \$30.00.

Pay by check or money order in the exact amount. Make the check or money order payable to the **Department of Homeland Security**, unless:

- A.** You live in Guam and are filing your petition there, make the check or money order payable to the "Treasurer, Guam" or
- B.** You live in the U.S. Virgin Islands and you are filing your petition there, make your check or money order payable to the "Commissioner of Finance of the Virgin Islands."

12. When Will a Visa Become Available?

When a petition is approved for the husband, wife, parent or unmarried minor child of a United States citizen, these persons are classified as immediate relatives. They do not have to wait for a visa number because immediate relatives are not subject to the immigrant visa limit.

For alien relatives in preference categories, a limited number of immigrant visas are issued each year. The visas are processed in the order in which the petitions are properly filed and accepted by the USCIS. To be considered properly filed, a petition must be fully completed and signed, and the fee must be paid.

For a monthly report on the dates when immigrant visas are available, call the U.S. Department of State at (202) 647-0508.

13. Notice to Persons Filing for Spouses, If Married Less Than Two Years.

Pursuant to section 216 of the Immigration and Nationality Act, your alien spouse may be granted conditional permanent resident status in the United States as of the date he or she is admitted or adjusted to conditional status by a USCIS officer. Both you and your conditional resident spouse are required to file Form I-751, Joint Petition to Remove Conditional Basis of Alien's Permanent Resident Status, during the 90-day period immediately before the second anniversary of the date your alien spouse was granted conditional permanent resident status.

Otherwise, the rights, privileges, responsibilities and duties that apply to all other permanent residents apply equally to a conditional permanent resident. A conditional permanent resident is not limited to the right to apply for naturalization, file petitions on behalf of qualifying relatives or reside permanently in the United States as an immigrant in accordance with our nation's immigration laws.

NOTE: Failure to file the Form I-751 joint petition to remove the conditional basis of the alien spouse's permanent resident status will result in the termination of his or her permanent resident status and initiation of removal proceedings.

14. What Are the Penalties for Marriage Fraud or Submitting False Information?

Title 8, United States Code, Section 1325, states that any individual who knowingly enters into a marriage contract for the purpose of evading any provision of the immigration laws shall be imprisoned for not more than five years, or fined not more than \$250,000, or both.

Title 18, United States Code, Section 1001, states that whoever willfully and knowingly falsifies a material fact, makes a false statement or makes use of a false document will be fined up to \$10,000, imprisoned for up to five years, or both.

15. What Is Our Authority for Collecting This Information?

We request the information on this form to carry out the immigration laws contained in Title 8, United States Code, Section 1154(a). We need this information to determine whether a person is eligible for immigration benefits. The information you provide may also be disclosed to other Federal, state, local and foreign law enforcement and regulatory agencies during the course of the investigation required by the USCIS. You do not have to give this information. However, if you refuse to give some or all of it, your petition may be denied.

16. Paperwork Reduction Act Notice.

A person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the: U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Avenue N.W., Washington, D.C. 20529; OMB No.1615-0012. **Do not mail your completed petition to this address.**

Checklist.

- Did you answer each question on the Form I-130 petition?
- Did you sign and date the petition?
- Did you enclose the correct filing fee for each petition?
- Did you submit proof of your U.S. citizenship or lawful permanent residence?
- Did you submit other required supporting evidence?

If you are filing for your husband or wife, did you include:

- Your photograph?
- His or her photograph?
- Your completed Form G-325A?
- His or her Form G-325A?