

CHECKLIST FOR FORM I-130 (IMMIGRANT PETITION)

Child of a U.S. Citizen/Legal Permanent Resident

(Provided by CLS as guidance only – refer to USCIS guidance for any discrepancies)

NOTE: The petition may be filed directly with USCIS Seoul only by a U.S. citizen petitioner who is currently residing in (not visiting) Korea, otherwise the petition must be filed with the nearest USCIS office in the U.S.

_____ Form I-130 - Petition for Alien Relative (completed by the petitioner).

NOTE: Petition on the below categories may be filed directly with USCIS Seoul by U.S. citizens only who are currently residing in (not visiting) Korea, otherwise petition must be filed with the nearest USCIS office in the U.S.

_____ **Your unmarried child under age 21 (petitioner must be U.S. citizen)**

Note 1: You may not apply for an adopted child, if the adoption took place after your child's 16th birthday, or if your child has not been in your legal custody and living with you for 2 years prior to filing the petition.

Note 2: You may not apply for a stepchild, if the marriage that created the relationship took place after your stepchild's 18th birthday.

NOTE: Petitions on the below categories must be filed with the nearest USCIS office in the U.S., and cannot be filed with USCIS Seoul, regardless of whether you are a U.S. citizen or a lawful permanent resident (LPR) of the U.S.

_____ **Your unmarried child under age 21 (petitioner is an LPR)**

Note 1: There is no visa category for married children of an LPR. If an unmarried child of an LPR marries before the LPR becomes a U.S. citizen, the filed petition will be revoked.

Note 2: Separate petitions are not required for your son's or daughter's unmarried children under age 21, and they may apply for an immigrant visa along with your relative.

Note 3: You may not apply for an adopted child, if the adoption took place after your child's 16th birthday, or if your child has not been in your legal custody and living with you for 2 years prior to filing the petition.

Note 4: You may not apply for a stepchild, if the marriage that created the relationship took place after your stepchild's 18th birthday.

_____ **Your unmarried son or daughter age 21 or older (petitioner is a U.S. citizen or LPR)**

Note 1: There is no visa category for married children of an LPR. If an unmarried child of an LPR marries before the LPR becomes a U.S. citizen, the filed petition will be revoked.

Note 2: Separate petitions are not required for your son's or daughter's unmarried children under age 21, and they may apply for an immigrant visa along with your relative.

Note 3: You may not apply for an adopted child, if the adoption took place after your child's 16th birthday, or if your child has not been in your legal custody and living with you for 2 years prior to filing the petition.

Note 4: You may not apply for a stepchild, if the marriage that created the relationship took place after your stepchild's 18th birthday.

_____ **Your married son or daughter of any age (petitioner must be U.S. citizen)**

Note 1: Separate petitions are not required for your son's or daughter's husband or wife or their unmarried children under age 21, and they may apply for an immigrant visa along with your relative.

Note 2: You may not apply for an adopted child, if the adoption took place after your child's 16th birthday, or if your child has not been in your legal custody and living with you for 2 years prior to filing the petition.

Note 3: You may not apply for a stepchild, if the marriage that created the relationship took place after your stepchild's 18th birthday.

_____ **Proof of Petitioner's Relationship to the Child:**

_____ If you are the child's biological mother:

_____ Photocopy of the child's Birth Certificate

_____ If you are the child's biological father:

_____ Photocopy of the child's Birth Certificate

_____ Photocopy of your Marriage Certificate to the child's biological mother

_____ If you and/or the biological mother are no longer married, you must also submit evidence of the legal termination of that marriage through death, divorce, or annulment

_____ If you never married the child's mother before the child turned 18:

_____ If the law of your or your child's residence considers the child legitimated, you do not need to provide additional information

_____ If your child is not legitimated under the law, you must submit evidence that you established a bona fide father-child relationship prior to the child turning 21 or marrying. This should be evidence of emotional and/or financial involvement in the child's life.

_____ If you are the child's stepparent (stepmother or stepfather):

_____ Photocopy of the stepchild's Birth Certificate

_____ Photocopy of your civil marriage certificate to your stepchild's biological parent

_____ Photocopy of proof of the legal termination of all previous marriages for you and/or the biological parent (divorce decree, death certificate, annulment decree)

_____ If you are the child's adoptive parent (adoptive mother or adoptive father):

_____ Photocopy of the adopted child's Birth Certificate

_____ Photocopy of the final adoption decree

_____ Photocopy of evidence that you had 2 years of legal custody (this could have been awarded by a court prior to the final adoption decree)

_____ Evidence that you had 2 years of physical custody (this means time during which the child was living with you and you were exercising primary parental control)

_____ If the child is Korean citizen:

_____ Basic Certificate

_____ Certificate of Family Relation

_____ Original English translation of all documents (if not in English)

_____ **Evidence of any/all Legal Name Changes for Petitioner:**

_____ Photocopies of Marriage Certificates

_____ Photocopies of Divorce Decrees

_____ Photocopies of Court Judgment of Name Change

_____ Photocopy of Adoption Decree

_____ Original English translation of above documents (if not in English)

_____ **Evidence of any/all Legal Name Changes for Child:**

_____ Photocopies of Court Judgment of Name Change

_____ Photocopy of Adoption Decree

_____ Original English translation of above documents (if not in English)

_____ **Proof of Petitioner's U.S. Citizenship** (one of the following):

- _____ Photocopy of U.S. Naturalization Certificate (mandatory if petitioner was naturalized)
- _____ Photocopy of U.S. Birth Certificate (with photo identification card)
- _____ Photocopy of Certificate of Citizenship (with photo identification card)
- _____ Photocopy of valid unexpired U.S. Passport (biographic page only)
- _____ Original statement from U.S. consular officer verifying U.S. citizenship with valid passport (with photo identification card)

_____ **Proof of Child's Citizenship** (one of the following):

- _____ Photocopy of biographic page of valid unexpired Foreign Passport (optional for Korean citizens)
- _____ Photocopy of front and back of Korean Identification Card (for Korean citizens if not providing passport)

_____ **Proof of Petitioner's Korean Resident Status** (required only if filing application with USCIS Seoul)

_____ **Active Duty Military Members**

- _____ Permanent assignment orders to Korea (with amendments)
- _____ Approved tour extensions (if applicable)

_____ **DoD/DoDDS Civilian Employees**

- _____ DD Form 1614 (Permanent Duty Travel Orders) to Korea (with amendments)
- _____ Current Letter of Employment (signed by CPAC/DoDDS Korea District)

_____ **Invited Contractors**

- _____ Current USFK Form 700-19A-E
- _____ Current SOFA Letter of Accreditation

_____ **Nonrefundable Application Filing Fee** (currently \$420 per application) payable in US Dollars or Korean Won:

- _____ U.S. Money Order
- _____ Cash (only accepted when filing application at the U.S. Embassy)

NOTES:

All English translations must be signed by the translator, certifying that the translation is complete and correct, and that he/she is competent to translate the foreign language into English.

USCIS Seoul returns all original supporting documents at the time you initially file Form I-130 if you provide the photocopies of the documents identified on this checklist.

USCIS Seoul may request additional documents after initially reviewing your submitted petition.