

CHECKLIST FOR FORM I-130 (IMMIGRANT PETITION)

Spouse 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 1: You may not apply for your husband or wife, if you and your spouse were not both physically present at the marriage ceremony, and the marriage was not consummated.

Note 2: You may not apply for your husband or wife, if you gained LPR status through a prior marriage to a U.S. citizen or LPR, unless:

- 5 years have pass since you became an LPR; **OR**

- You can show though evidence that the prior marriage by which you gained immigrant status was not entered into to evade any immigration laws; **OR**

- Your prior marriage by which you gained your immigrant status was terminated by death.

Note 3: You may not apply for your husband or wife, if you married your spouse while your spouse was the subject of an immigration proceeding regarding your spouse's right to be admitted/remain in the U.S., or while a decision of an immigration proceeding was before a court on judicial review, unless:

- You can prove through evidence that the marriage is legally valid where it took place, **and** that your spouse married in good faith and not to procure admission of your spouse as an immigrant, **and** that no fee or consideration was given for filing this petition; **OR**

- Your spouse has lived outside the U.S., after the marriage, for 2 years.

Note 4: You may not apply for your husband or wife, if it has been legally determined that your spouse has attempted/conspired to enter into marriage to evade immigration laws.

_____ **Form G-325A - Biographic Information** (for both petitioner and spouse):

_____ Petitioner

_____ Spouse

_____ **Current Marriage Certificate:**

_____ Photocopy of Marriage Certificate (showing date/place of marriage & marriage registration).

_____ If you were married in Korea:

_____ Photocopy of Verification of Registration of Marriage; or

_____ Photocopy of Marriage Relation Certificate

_____ Original English translation of Marriage Certificate (if not in English)

_____ **Proof of Termination of any/all Previous Marriage(s) for Petitioner:**

_____ Photocopy of all final Divorce Decrees, Annulments, or Death Certificates

_____ Original English translation of all final Divorce Decrees, Annulments, or Death Certificates (if not in English)

_____ **Proof of Termination of any/all Previous Marriage(s) for Spouse:**

_____ Photocopy of all final Divorce Decrees, Annulments, or Death Certificates

_____ If your spouse's marriage terminated in Korea, and your spouse is a Korean citizen:

_____ Marital Relation Certificate

_____ Original English translation of all final Divorce Decrees, Annulments, or Death Certificates (if not in English)

_____ **Passport-Style Color Photograph (2"x 2") taken within the last 30 days** (for both petitioner and spouse):

_____ Petitioner

_____ Spouse

_____ **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 Spouse:**

_____ 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)

_____ **Proof of Petitioner's U.S. Citizenship/Legal Permanent Resident Status:**

_____ U.S. Citizen (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)

_____ Legal Permanent Resident (one of the following):

_____ Photocopy of front and back of Form I-551 - U.S. Permanent Resident Card (Green Card)

_____ Photocopy of Foreign Passport biographic page and page bearing a stamp showing temporary evidence of permanent residence (only if Green Card not received yet)

_____ Other evidence of LPR status issued by USCIS or the former INS.

_____ **Proof of Spouse'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)

_____ **Spouse's Birth Certificate:**

_____ Photocopy of Birth Certificate

If spouse is a Korean citizen:

_____ Photocopy of Basic Certificate

_____ Photocopy of Certificate of Family Relation

_____ Photocopy of Certificate of Marital Status

_____ Original English translation of Birth Certificate (if not in English)

_____ **Birth Certificate(s) of all/any Children of Spouse from any/all Previous Relationships** (regardless of whether or not they are seeking immigrant visa status):

_____ Photocopy of Birth Certificate(s)

_____ If child/children is/are Korean citizen(s)

_____ Photocopy of Basic Certificate(s)

_____ Photocopy of Certificate(s) of Family Relation

_____ Original English translation of Birth Certificate(s) (if not in English)

_____ Photocopy of evidence/description of Child Custody (if not clearly stated in Divorce Decree provided)

_____ Original English translation(s) of evidence/description of Child Custody (if not in English)

_____ **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.