

Instructions for I-130, Petition for Alien Relative

Instructions

Please read these instructions carefully to properly complete this form. If you need more space to complete an answer, use a separate sheet(s) of paper. Write your name and Alien Registration Number (A #), if any, at the top of each sheet of paper and indicate the section and number of the item to which the answer refers.

What Is the Purpose of this Form?

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 the existence of a relationship to certain alien relatives who wish to immigrate to the United States.

You must file a separate form for each eligible relative.

Who May File This Form I-130?

- If you are a U.S. citizen, you may file this form for:
 - Your husband or wife
 - Your unmarried child under age 21
 - Your unmarried son or daughter age 21 or older
 - Your married son or daughter of any age;
 - Your brother(s) or sister(s) (you must be age 21 or older)
 - Your mother or father (you must be age 21 or older)
- If you are a lawful permanent resident of U.S., you may file this form for:
 - Your husband or wife;
 - Your unmarried child under age 21
 - Your unmarried son or daughter age 21 or older

NOTE:

- There is no visa category for married children of permanent residents. If an unmarried son or daughter of a permanent resident marries before the permanent resident becomes a U.S. citizen any petition filed for that son or daughter will be automatically revoked.
- If your relative qualifies under paragraph **1(C)**, **1(D)** or **1(E)** 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 **2(B)** or **2(C)** 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.

Who May Not File This Form I-130?

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

- 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.

- A natural parent, if the United States citizen son or daughter gained permanent residence through adoption.
- A stepparent or stepchild, if the marriage that created the relationship took place after the child's 18th birthday.
- A husband or wife, if you and your spouse were not both physically present at the marriage ceremony, and the marriage was not consummated.
- 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:
 - A period of five years has elapsed since you became a lawful permanent resident; or
 - 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
 - Your prior marriage through which you gained your immigrant status was terminated by the death of your former spouse.
- 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.
- 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.
- A grandparent, grandchild, nephew, niece, uncle, aunt, cousin or in-law.

General Instructions.

Step 1. Fill Out the Form I-130

- Type or print legibly in black ink.
- If extra space is needed to complete any item, attach a continuation sheet, indicate the item number, and date and sign each sheet.
- Answer all questions fully and accurately. State that an item is not applicable with "N/A." If the answer is none, write "none."

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.

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.

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

1. 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 **Page 3, titled "What If a Document Is Not Available?"**
2. A copy of your naturalization certificate or certificate of citizenship issued by USCIS or the former INS.
3. A copy of Form FS-240, Report of Birth Abroad of a Citizen of the United States, issued by an American Embassy or Consulate.
4. A copy of your unexpired U.S. passport; or
5. An original statement from a U.S. consular officer verifying that you are a U.S. citizen with a valid passport.
6. If you do not have any of the above documents and you were born in the United States, see instructions under **Page 3, "What If a Document Is Not Available?"**

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.

What Documents Do You Need to Prove Family Relationship?

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

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

- A. A copy of your marriage certificate.
- B. If either you or your spouse were previously married submit copies of documents showing that all prior marriages were legally terminated.
- C. 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.
- D. 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.

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NOTE: In addition to the required documentation listed above, you should submit one or more of the following types of documentation that may evidence that bona fides of your marriage:

- E. Documentation showing joint ownership or property; or
- F. A lease showing joint tenancy of a common residence; or
- G. Documentation showing co-mingling of financial resources; or
- H. Birth certificate(s) of child(ren) born to you, the petitioner, and your spouse together; or
- I. Affidavits sworn to or affirmed by third parties having personal knowledge of the bona fides of the marital relationship (Each affidavit must contain the full name and address, date and place of birth of the person making the affidavit, his or her relationship to the petitioner of beneficiary, if any, and complete information and details explaining how the person acquired his or her knowledge of your marriage); or
- J. Any other relevant documentation to establish that there is an ongoing marital union.

2. **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.
3. **A child and you are the father:** Submit a copy of the child's birth certificate showing both parents' names and your marriage certificate.
4. 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.
5. **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 **8 and 9** below.
6. **A mother:** Submit a copy of your birth certificate showing your name and your mother's name.

7. 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 **4, 8 and 9**.

8. 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.

9. 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 adoption. Legal custody may only be granted by a court or recognized government entity and is usually granted at the time of 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.

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.

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.

Where To File?

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 concurrently to:

U.S. Citizenship and Immigration Services
P.O. Box 805887
Chicago, IL 60680-4120

Or, for non-United States Postal Service (USPS) deliveries (such as overnight delivery services):

U.S. Citizenship and Immigration Services
Attn: FBASI
427 S. LaSalle - 3rd Floor
Chicago, IL 60605-1098

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.

What Is the Filing Fee?

The filing fee for a Form is **\$355.00**.

Use the following guidelines when you prepare your check or money order for the Form I-130:

1. The check or money order must be drawn on a bank or other financial institution located in the United States and must be payable in U.S. currency; and
2. Make the check or money order payable to **U.S. Department of Homeland Security**, unless:
 - A. If you live in Guam and are filing your petition there, make it payable to **Treasurer, Guam**.
 - B. If you live in the U.S. Virgin Islands and are filing your petition there, make it payable to **Commissioner of Finance of the Virgin Islands**.
 - C. If you live outside the United States, Guam, or the U.S. Virgin Islands, contact the nearest U.S. consulate or embassy for instructions on the method of payment.

NOTE: Please spell out U.S. Department of Homeland Security; do not use the initials "USDHS" or "DHS."

How to Check If the Fees Are Correct.

The form fee on this form is current as of the edition date appearing in the lower right corner of this page. However, because USCIS fees change periodically, you can verify if the fees are correct by following one of the steps below:

1. Visit our website at www.uscis.gov, select "Immigration Forms" and check the appropriate fee;

2. Review the Fee Schedule included in your form package, if you called us to request the form or
3. Telephone our National Customer Service Center at **1-800-375-5283** and ask for the fee information.

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) 663-1541**, or visit our web site at: www.travel.state.gov.

Address Changes.

If you change your address and you have an application or petition pending with USCIS, you may change your address on-line at www.uscis.gov, click on "Change your address with USCIS" and follow the prompts or by completing and mailing Form AR-11, Alien's Change of Address Card, to:

U.S. Citizenship and Immigration Services
Change of Address
P.O. Box 7134
London, KY 40742-7134

For commercial overnight or fast freight services only, mail to:

U.S. Citizenship and Immigration Services
Change of Address
1084-I South Laurel Road
London, KY 40744

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.

Processing Information.

Acceptance. Any application that is not signed or accompanied by the correct fee will be rejected with a notice that the application is deficient. You may correct the deficiency and resubmit the application. However, an application is not considered properly filed until accepted by USCIS.

Initial Processing. Once the application has been accepted, it will be checked for completeness, including submission of the required initial evidence. If you do not completely fill out the form or file it without the required initial evidence, you will not establish a basis for eligibility and we may deny your application.

Requests for More Information. We may request more information or evidence, or we may request that you appear at a USCIS office for an interview. We may also request that you submit the originals of any copy. We will return these originals when they are no longer needed.

Decision. The decision on the Form I-130 involves a determination of whether you have established eligibility for the requested benefit. You will be notified of the decision in writing.

USCIS Forms and Information.

To order USCIS forms, call our toll-free number at **1-800-870-3676**. You can also get USCIS forms and information on immigration laws, regulations and procedures by telephoning our National Customer Service Center at **1-800-375-5283** or visiting our internet website at **www.uscis.gov**.

As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our internet-based system, **InfoPass**. To access the system, visit our website. Use the **InfoPass** appointment scheduler and follow the screen prompts to set up your appointment.

InfoPass generates an electronic appointment notice that appears on the screen.

Penalties.

If you knowingly and willfully falsify or conceal a material fact or submit a false document with this request, we will deny the benefit you are filing for, and may deny any other immigration benefit.

In addition, you will face severe penalties provided by law, and may be subject to criminal prosecution.

Privacy Act Notice.

We ask for the information on this form, and associated evidence, to determine if you have established eligibility for the immigration benefit for which you are filing. Our legal right to ask for this information is in 8 U.S.C. 1255. We may provide this information to other government agencies. Failure to provide this information, and any requested evidence, may delay a final decision or result in denial of your request.

Paperwork Reduction Act.

An agency may not conduct or sponsor an information collection and 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 at 90 minutes per response, including the time for reviewing instructions,

completing and submitting the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529. OMB No. 1615-0012. **Do not mail your application 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:

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

C. Information about your alien relative (continued)

17. List husband/wife and all children of your relative.

(Name) (Relationship) (Date of Birth) (Country of Birth)

18. Address in the United States where your relative intends to live.

(Street Address) (Town or City) (State)

19. Your relative's address abroad. (Include street, city, province and country)

Phone Number (if any)

20. If your relative's native alphabet is other than Roman letters, write his or her name and foreign address in the native alphabet.

(Name) Address (Include street, city, province and country):

21. If filing for your husband/wife, give last address at which you lived together. (Include street, city, province, if any, and country):

From: **To:**

22. Complete the information below if your relative is in the United States and will apply for adjustment of status.

Your relative is in the United States and will apply for adjustment of status to that of a lawful permanent resident at the USCIS office in:

If your relative is not eligible for adjustment of status, he or she will apply for a visa abroad at the American consular post in:

(City) (State) (City) (Country)

NOTE: Designation of an American embassy or consulate outside the country of your relative's last residence does not guarantee acceptance for processing by that post. Acceptance is at the discretion of the designated embassy or consulate.

D. Other information

1. If separate petitions are also being submitted for other relatives, give names of each and relationship.

2. Have you ever before filed a petition for this or any other alien? Yes No

If "Yes," give name, place and date of filing and result.

WARNING: USCIS investigates claimed relationships and verifies the validity of documents. USCIS seeks criminal prosecutions when family relationships are falsified to obtain visas.

PENALTIES: By law, you may be imprisoned for not more than five years or fined \$250,000, or both, for entering into a marriage contract for the purpose of evading any provision of the immigration laws. In addition, you may be fined up to \$10,000 and imprisoned for up to five years, or both, for knowingly and willfully falsifying or concealing a material fact or using any false document in submitting this petition.

YOUR CERTIFICATION: I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Furthermore, I authorize the release of any information from my records that the U.S. Citizenship and Immigration Services needs to determine eligibility for the benefit that I am seeking.

E. Signature of petitioner.

Date Phone Number

F. Signature of person preparing this form, if other than the petitioner.

I declare that I prepared this document at the request of the person above and that it is based on all information of which I have any knowledge.

Print Name _____ Signature _____ Date _____

Address _____ **G-28 ID or VOLAG Number, if any.** _____