

Instructions Form for I-130, Petition for Alien Relative

Instructions

Read these instructions carefully to properly complete this form. The filing addresses provided on this form reflect the most current information as of the last edition of this form. If you are filing Form I-130 more than 30 days after the latest edition date shown in the lower right corner of this form, please visit us online at www.uscis.gov before you file and check the "FORMS" page to confirm the correct filing address and version currently in use. Check the edition date located in the lower right corner of the form. If the edition date on your Form I-130 matches the edition date listed for Form I-130 on the "FORMS" page, your version is current. If the edition date on the online version is later, download a copy and use it.

If you do not have Internet access, call the USCIS National Customer Service Center at 1-800-375-5283 to verify the current filing address and edition date.

What Is the Purpose of This Form?

A citizen or lawful permanent resident of the United States may file Form I-130, Petition for Alien Relative with 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.

Who May File Form I-130?

1. If you are a U.S. citizen you must file a separate Form I-130 for each eligible relative. You may file a Form I-130 for:
 - A. Your husband or wife;
 - B. Your unmarried child under age 21;
 - C. Your unmarried son or daughter age 21 or older;
 - D. Your married son or daughter of any age;
 - E. Your brother(s) or sister(s) (you must be age 21 or older);
 - F. Your mother or father (you must be age 21 or older).
2. If you are a lawful permanent resident of United States, you may file this form for:
 - A. Your husband or wife;
 - B. Your unmarried child under age 21;
 - C. Your unmarried son or daughter age 21 or older.

NOTE:

1. 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.
2. 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.
3. 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.
4. The persons described in number 2 and 3 of the above **NOTE** will be able to apply for an immigrant visa along with your relative.

Who May Not File Form I-130?

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

1. 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 2 years prior to the filing of the petition.
2. A natural parent, if the U.S. citizen son or daughter gained permanent residence through adoption.
3. A stepparent or stepchild, if the marriage that created the relationship took place after the child's 18th birthday.

4. A husband or wife, if you and your spouse were not both physically present at the marriage ceremony, and the marriage was not consummated.
5. A husband or wife, if you gained lawful permanent resident status by virtue of a prior marriage to a U. S. citizen or lawful permanent resident, unless:
 - A. A period of five years has elapsed since you became a lawful permanent resident; or
 - B. 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
 - C. Your prior marriage through which you gained your immigrant status was terminated by the death of your former spouse.
6. A husband or wife, if you married your husband or wife while your husband or wife was the subject of an exclusion, deportation, removal, or rescission proceeding regarding his or her right to be admitted into or to remain in the United States, or while a decision in any of these proceedings was before any court on judicial review, unless:

You prove by clear and convincing evidence that the marriage is legally valid where it took place, **and** that you and your husband or wife married in good faith and not for the purpose of procuring the admission of your husband or wife as an immigrant, **and** that no fee or any other consideration (other than appropriate attorney fees) was given for your filing of this petition; **OR**

Your husband or wife has lived outside the United States, after the marriage, for a period of at least 2 years.
7. 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.
8. A grandparent, grandchild, nephew, niece, uncle, aunt, cousin, or in-law.

General Instructions

Step 1. Fill Out Form I-130

1. Type or print legibly in black ink.

2. If extra space is needed to complete any item, attach a continuation sheet, indicate the item number, and date and sign each sheet.
3. 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 U.S. Citizen?

1. If you were born in the United States, a copy of your birth certificate, issued by a civil registrar, vital statistics office, or other civil authority.
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 a U.S. 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 on **Page 4**, "**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 Form G-325A the information given on your Form I-130 petition.

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

NOTE: If you married your husband or wife while your husband or wife was the subject of an exclusion, deportation, removal, or rescission proceeding (including judicial review of the decision in one of these proceedings), this evidence must be sufficient to establish the bona fides of your marriage by clear and convincing evidence.

- 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 numbers **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 numbers **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, copies of documents showing that any prior marriages were legally terminated and a copy of the stepchild's birth certificate.

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 turned 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 2 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 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 toward fulfilling the 2-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 that 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 a 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?

Filing Form I-130 Alone:

If you are the petitioner and are filing only the Form I-130, file it at the **USCIS Chicago Lockbox** facility.

For U.S. Postal Service:

USCIS
P.O. Box 804625
Chicago, IL 60680-4107

For Express mail and courier deliveries:

USCIS
Attn: I-130
131 South Dearborn-3rd Floor
Chicago, IL 60603-5517

Note: If you reside outside of the United States where USCIS has an overseas office, you may file at the USCIS Chicago Lockbox facility or at the USCIS overseas office in the country in which you reside. For a list of USCIS overseas offices and filing instructions please visit www.uscis.gov.

Filing Form I-130 with Form I-485:

If the beneficiary resides in the United States and is filing Form I-485, Application to Register Permanent Residence or Adjust Status along with Form I-130, submit both forms with the fee in the same envelope to the **USCIS Chicago Lockbox facility, at the address below:**

For U.S. Postal Service:

USCIS
P.O. Box 805887
Chicago, IL 60680-4120

For Express mail and courier deliveries:

USCIS
Attn: FBAS
131 South Dearborn - 3rd Floor
Chicago, IL 60603-5517

E-Notification: If you are filing your Form I-130 at a USCIS Lockbox facility, you may elect to receive an email and/or text message notifying you that your application has been accepted. You must complete Form G-1145, E-Notification of Application/Petition Acceptance, and clip it to the first page of your application. To download a copy of Form G-1145, including the instructions, refer to www.uscis.gov **“FORMS.”**

What Is the Filing Fee?

The filing fee for a Form I-130 is **\$420**.

Use the following guidelines when you prepare your check or money order for 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**.

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

Notice to Those Making Payment by Check. If you send us a check, it will be converted into an electronic funds transfer (EFT). This means we will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually take 24 hours and will be shown on your regular account statement.

You will not receive your original check back. We will destroy your original check, but we will keep a copy of it. If the EFT cannot be processed for technical reasons, you authorize us to process the copy in place of your original check. If the EFT cannot be completed because of insufficient funds, we may try to make the transfer up to two times.

How to Check If the Fees Are Correct

The 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 Web site at **www.uscis.gov**, select "FORMS," and check the appropriate fee;
2. Telephone our National Customer Service Center at **1-800-375-5283** and ask for the fee information.

If you live outside of the United States please note that you may have to dial an international code to access the National Customer Service Center and that your calls may not be toll free.

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 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: **www.travel.state.gov**.

Address Changes

If you have changed your address, you must inform USCIS of your new address. For information on filing a change of address go to the USCIS website at www.uscis.gov/addresschange or contact the National Customer Service Center at 1-800-375-5283.

Notice to Persons Filing for Spouses, If Married Less Than 2 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 I-130 petition that is not properly signed or accompanied by the correct fee will be rejected with a notice that the petition is deficient. You may correct the deficiency and resubmit the petition. However, a rejected petition does not retain a filing date. A petition is not considered properly filed until accepted by USCIS.

Initial Processing. Once the petition 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 USCIS may deny your petition.

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 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

You can get USCIS forms and immigration-related information on the USCIS Web site at www.uscis.gov. You may order USCIS forms by calling our toll-free number at 1-800-870-3676. You may also obtain forms and information by telephoning our USCIS National Customer Service Center at 1-800-375-5283.

As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through the USCIS Internet-based system, **InfoPass**. To access the system, visit the USCIS Web site. 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.

USCIS Compliance Review and Monitoring

By signing this form, you have stated under penalty of perjury (28 U.S.C 1746) that all information and documentation submitted with this form is true and correct. You also have authorized the release of any information from your records that USCIS may need to determine eligibility for the benefit you are seeking and consented to USCIS verification of such information.

The Department of Homeland Security has the right to verify any information you submit to establish eligibility for the immigration benefit you're seeking at any time. Our legal right to verify this information is in 8 U.S.C. 1103, 1155, 1184, and 8 CFR parts 103, 204, 205, and 214. To ensure compliance with applicable laws and authorities, USCIS may verify information before or after your case has been decided. Agency verification methods may include, but are not limited to: review of public records and information; contact via written correspondence, the Internet, facsimile, or other electronic transmission, or telephone; unannounced physical site inspections of residences and places of employment; and interviews. Information obtained through verification will be used to assess your compliance with the laws and to determine your eligibility for the benefit sought.

Subject to the restrictions under 8 CFR part 103.2(b)(16), you will be provided an opportunity to address any adverse or derogatory information that may result from a USCIS compliance review, verification, or site visit after a formal decision is made on your case or after the agency has initiated an adverse action which may result in revocation or termination of an approval.

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 and 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 Products Division, Office of the Executive Secretariat, 20 Massachusetts Ave., N.W., Washington, DC 20529-2020. 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?