

## Instructions

**Read the instructions carefully. If you do not follow the instructions, we may have to return your petition, which may delay final action.**

### 1. Who may file?

A citizen or lawful permanent resident of the United States may file this form with the Immigration and Naturalization Service (INS) to establish the 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 unmarried son or daughter over 21, or married son or daughter of any age.
- 3) your brother or sister if you are at least 21 years old.
- 4) your parent 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(2) or A(3) 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. These persons will be able to apply for the same category of immigrant visa as 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 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, 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 the Attorney General has 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 or dark blue 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, please write "N/A."
- D. **Translations.** Any foreign language document must be accompanied by a full English translation, which 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 and you choose to send us the original, INS will keep that original for our records. If INS 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 the section below titled "What if a document is not available?"

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- B. A copy of your naturalization certificate or certificate of citizenship issued by 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
  - 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 instruction under 9 below, "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 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**, give INS 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 color photo of you and one 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 facial image should be about 1 inch from the chin to top of the hair, in a 3/4 frontal view, showing the right side of the face with the right ear visible. 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 G-325A (Biographic Information Form) for you and one for your husband or wife. Except for name and signature, you do not have to repeat on the G-325A the information given on your I-130 petition.
- B. **A child and you are the mother:** give 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:** give 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:** give 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:** give a copy of your birth certificate showing your name and your mother's name.
- G. **A father:** give 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

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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 be counted toward fulfilling 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 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.

## 9. What if a document is not available?

If the documents needed are not available, give INS a statement from the appropriate civil authority certifying that the document or documents are not available. In such situation, you may 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, child's date of birth or age at that time, the place of birth, and the 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 citizen of the United States. 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 U.S., file this form at the INS 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, Virgin Islands, Virginia or West Virginia, mail this petition to: **USINS Vermont Service Center, 75 Lower Welden Street, St. Albans, VT 05479-0001.**

**NOTE:** If the I-130 petition is being filed concurrently with Form I-485, Application to Register Permanent Residence or to Adjust Status, submit both forms at the local INS office having jurisdiction over the place where the I-485 applicant resides. Applicants who reside in the jurisdiction of the Baltimore, MD, District Office should submit the I-130 petition and the Form I-485 concurrently to the **USINS 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: **USINS 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: **USINS 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: **USINS California Service Center, P.O. Box 10130, Laguna Niguel, CA 92607-0130.**

**Petitioners residing abroad:** If you live outside the United States, you may file your relative petition at the INS office overseas or the U.S. consulate or embassy having jurisdiction over the area where you live. For further information, contact the nearest American consulate or embassy.

## 11. What is the fee?

You must pay \$130.00 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, INS will charge you \$30.00.

Pay by check or money order in the exact amount. Make the check or money order payable to Immigration and Naturalization Service, 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."

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## 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 relatives do not have to wait for a visa number because they are not subject to the immigrant visa limit.

However, for a child to qualify for the immediate relative category, all processing must be completed and the child must enter the United States before his or her 21st birthday.

For all other alien relatives, there are only a limited number of immigrant visas each year. The visas are issued in the order in which the petitions are properly filed and accepted by INS. 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 an INS 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, to file petitions on behalf of qualifying relatives or to 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 committing marriage fraud or submitting false information or both?

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 the 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 INS. 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. 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: U.S. Department of Justice, Immigration and Naturalization Service, Room 4034, Washington, D.C. 20536; OMB No. 1115-0054. **DO NOT MAIL YOUR COMPLETED APPLICATION TO THIS ADDRESS.**

### Checklist.

- Did you answer each question on the Form I-130 petition?
  - Did you sign 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?



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**C. Information about your alien relative (continued)**

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

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

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

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

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

Phone Number (if any)

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**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):

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**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:  
(Month) (Year) (Month) (Year)

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**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 office of the Immigration and Naturalization Service in \_\_\_\_\_ (City) (State). 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) (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.

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**D. Other information**

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

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

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

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**WARNING:** INS investigates claimed relationships and verifies the validity of documents. INS 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 which the Immigration and Naturalization Service needs to determine eligibility for the benefit that I am seeking.

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**E. Signature of petitioner.**

Date Phone Number

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**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. \_\_\_\_\_

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