Petition for Alien Relative

Instructions

Read the instructions carefully. If you do not follow the instructions, we may have to return your petition, which may delay final action. If more space is needed to complete an answer continue on separate sheet of paper.

1. **Who can file?**
A citizen or lawful permanent resident of the United States can file this form to establish the relationship of certain alien relatives who may wish to immigrate to the United States. You must file a separate form for each eligible relative.

2. **For whom can 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 child over 21, or married child 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

B. If you are a lawful permanent resident you may file this form for:
   1) your husband or wife
   2) your unmarried child

Note: If your relative qualifies under instruction A(2) or A(3) above, separate petitions are not required for his or her husband or wife or unmarried children under 21 years old. If your relative qualifies under instruction B(2) above, separate petitions are not required for his or her unmarried children under 21 years old. These persons will be able to apply for the same type of immigrant visa as your relative.

3. **For whom can you not file?**
You cannot file for people in the following categories:
A. An adoptive parent or adopted child, if the adoption took place after the child became 16 years old, 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 this relationship took place after the child became 18 years old.
D. A husband or wife, if your 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, deportation, 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 documents do you need?**
You must give INS certain documents with this form to prove you are eligible to file. You must also give the INS certain documents to prove the family relations between you and your relative.
A. For each document needed, give INS the original and one copy. However, because it is against the law to copy a Certificate of Naturalization, a Certificate of Citizenship or an Alien Registration Receipt Card (Form I-151 or I-551) give INS the original only. **Originals will be returned to you.**
B. If you do not wish to give INS the original document, you may give INS a copy. The copy must be certified by:
   1) an INS or U.S. consular officer, or
   2) an attorney admitted to practice law in the United States, or
   3) an INS accredited representative (INS may still require originals).
C. Documents in a foreign language must be accompanied by a complete English translation. The translator must certify that the translation is accurate and that he or she is competent to translate.

5. **What documents do you need to show you are a United States citizen?**
A. If you were born in the United States, give INS your birth certificate.
B. If you were naturalized, give INS your original Certificate of Naturalization.
C. If you were born outside the United States, and you are a U.S. citizen through your parents, give INS:
   1) your original Certificate of Citizenship, or
   2) your Form FS- 240 (Report of Birth Abroad of a United States Citizen).
D. In place of any of the above, you may give INS your valid unexpired U.S. passport that was initially issued for at least 5 years.
E. If you do not have any of the above and were born in the United States, see instruction under 8 below. *"What if a document is not available?"*

6. **What documents do you need to show you are a permanent resident?**
You must give INS your alien registration receipt card (Form I-151 or Form I-551). Do not give INS a photocopy of the card.

7. **What documents do you need to prove family relationship?**
You have to prove that there is a family relationship between your relative and yourself.

In any case where a marriage certificate is required, if either the husband or wife was married before, you must give INS documents to show that all previous marriages were legally ended. In cases where the names shown on the supporting documents have changed, give INS legal documents to show how the name change occurred (for example a marriage certificate, adoption decree, court order, etc.)

Find the paragraph in the following list that applies to the relative for whom you are filing.

If you are filing for your:

A. **husband or wife,** give INS
   1) your marriage certificate
   2) a color photo of you and one of your husband or wife, taken within 30 days of the date of this petition. These photos must have a white background. They must be glossy, unretouched, and not mounted. The dimension of the facial image should be about 1 inch from chin to top of hair in 3/4 frontal view, showing the right side of the face with the right ear visible. Using pencil or felt pen, lightly print name (and Alien Registration Number, if known) on the back of each photograph.
   3) a completed and signed G-325A (Biographic Information) 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. **child** and you are the **mother**, give the child's birth certificate showing your name and the name of your child.

C. **child** and you are the **father or stepparent**, give the child's birth certificate showing both parents' names and your marriage certificate. **Child** born out of wedlock and you are the **father**, give proof that a parent/child relationship exists or existed. For example, the child's birth certificate showing your name and evidence that you have financially supported the child. (A blood test may be necessary).

D. **brother or sister,** your birth certificate and the birth certificate of your brother or sister showing both parents' names. If you do not have the same mother, you must also give the marriage certificates of your father to both mothers.

E. **mother,** give your birth certificate showing your name and the name of your mother.

F. **father,** give your birth certificate showing the names of both parents and your parents' marriage certificate.

G. **stepparent,** give your birth certificate showing the names of both natural parents and the marriage certificate of your parent to your stepparent.

H. **adoptive parent or adopted child,** give a certified copy of the adoption decree, the legal custody decree if you obtained custody of the child before adoption, and a statement showing the dates and places you have lived together with the child.

8. What if a document is not available?

If the documents needed above are not available, you can give INS the following instead. (INS may require a statement from the appropriate civil authority certifying that the needed document is not available.)

A. Church record: A certificate under the seal of the church where the baptism, dedication, or comparable rite occurred within two months after birth, showing the date and place of child's birth, date of the religious ceremony, and the names of the child's parents.

B. School record: A letter from the authorities of the school attended (preferably the first school), showing the date of admission to the school, child's date and place of birth, and the names and places of birth parents, if shown in the school records.

C. Census record: State or federal census record showing the names, place of birth, and 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 persons making the affidavits need not be citizens 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 concerning how the person acquired knowledge of the event.

9. How should you prepare this form?

A. Type or print legibly in ink.

B. If you need extra space 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".

10. Where should you file this form?

A. If you live in the United States, send or take the form to the INS office that has jurisdiction over where you live.

B. If you live outside the United States, contact the nearest American Consulate to find out where to send or take the completed form.

11. What is the fee?

You must pay one hundred ten dollars ($110.00) 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". However,

A. if you live in Guam: Make the check or money order payable to Treasurer, Guam", or

B. if you live in the U.S. Virgin Islands: Make the check or money order payable to "Commissioner of Finance of the Virgin Islands".

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, as they are not subject to the immigrant visa limit. However, for a child to qualify for this 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 given out in the order in which INS receives properly filed petitions. To be considered properly filed, a petition must be completed accurately and signed, the required documents must be attached, and the fee must be paid.

For a monthly update on the dates for which immigrant visas are available, you may call (202) 647-0508.

13. 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 $250,000.00 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 or imprisoned up to five years, or both.

14. 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 this Service. You do not have to give this information. However, if you refuse to give some or all of it, your petition may be denied.

15. Reporting Burden.

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 5307),Washington, D.C. 20536; OMB No.1115-0054. **DO NOT MAIL YOUR COMPLETED APPLICATION TO THIS ADDRESS.**

It is not possible to cover all the conditions for eligibility or to give instructions for every situation. If you have carefully read all the instructions and still have questions, please contact your nearest INS office.

U.S. Department of Justice
Immigration and Naturalization Service (INS)

OMB #1115-0054

Petition for Alien Relative

DO NOT WRITE IN THIS BLOCK - FOR EXAMINING OFFICE ONLY

Case ID#	Action Stamp	Fee Stamp
A#		
G-28 or Volag #		
Section of Law: ☐ 201 (b) spouse ☐ 201 (b) child ☐ 201 (b) parent ☐ 203 (a)(1) ☐ 203 (a)(2) ☐ 203 (a)(4) ☐ 203 (a)(5) AM CON: _____		Petition was filed on: _____ (priority date) ☐ Personal Interview ☐ Previously Forwarded ☐ Pet. ☐ Ben. "A" File Reviewed ☐ Stateside Criteria ☐ Field Investigations ☐ 1-485 Simultaneously ☐ 204 (a)(2)(A) Resolved ☐ 204 (h) Resolved

Remarks:

A. Relationship

1. The alien relative is my ☐ Husband/Wife ☐ Parent ☐ Brother/Sister ☐ Child

2. Are you related by adoption? ☐ Yes ☐ No

3. Did you gain permanent residence through adoption? ☐ Yes ☐ No

B. Information about you

1. **Name** (Family name in CAPS) (First) (Middle)

2. **Address** (Number and Street) (Apartment Number)

(Town or City) (State/Country) (ZIP/Postal Code)

3. **Place of Birth** (Town or City) (State/Country)

4. **Date of Birth** (Mo/Day/Yr)

5. **Sex** ☐ Male ☐ Female

6. **Marital Status** ☐ Married ☐ Single ☐ Widowed ☐ Divorced

7. **Other Names Used** (including maiden name)

8. **Date and Place of Present Marriage** (if married)

9. **Social Security Number**

10. **Alien Registration Number** (if any)

11. **Names of Prior Husbands/Wives**

12. **Date(s) Marriages(s) Ended**

13. **If you are a U.S. citizen, complete the following:**
My citizenship was acquired through (check one)
☐ Birth in the U.S.
☐ Naturalization (Give number of certificate, date and place it was issued)

☐ Parents
Have you obtained a certificate of citizenship in your own name?
☐ Yes ☐ No
If "Yes", give number of certificate, date and place it was issued

14a. **If you are a lawful permanent resident alien, complete the following:**
Date and place of admission for, or adjustment to, lawful permanent residence, and class of admission:

14b. **Did you gain permanent resident status through marriage to a United States citizen or lawful permanent resident?** ☐ Yes ☐ No

C. Information about your alien relative

1. **Name** (Family name in CAPS) (First) (Middle)

2. **Address** (Number and Street) (Apartment Number)

(Town or City) (State/Country) (ZIP/Postal Code)

3. **Place of Birth** (Town or City) (State/Country)

4. **Date of Birth** (Mo/Day/Yr)

5. **Sex** ☐ Male ☐ Female

6. **Marital Status** ☐ Married ☐ Single ☐ Widowed ☐ Divorced

7. **Other Names Used** (including maiden name)

8. **Date and Place of Present Marriage** (if married)

9. **Social Security Number**

10. **Alien Registration Number** (if any)

11. **Names of Prior Husbands/Wives**

12. **Date(s) Marriages(s) Ended**

13. **Has your relative ever been in the U.S.?**
☐ Yes ☐ No

14. **If your relative is currently in the U.S., complete the following: He or she last arrived as a** (visitor, student, stowaway, without inspection, etc.)

Arrival/Departure Record (1-94) Number **Date arrived** (Month/Day/Year)

Date authorized stay expired, or will expire, as shown on Form I-94 or I-95

15. **Name and address of present employer** (if any)

Date this employment began (Month/Day/Year)

16. **Has your relative ever been under immigration proceedings?**
☐ Yes ☐ No Where _____ When _____
☐ Exclusion ☐ Deportation ☐ Recission ☐ Judicial Proceedings

INITIAL RECEIPT	RESUBMITTED	RELOCATED		COMPLETED		
		Rec'd	Sent	Approved	Denied	Returned

C. (continued) Information about your alien relative

16. List husband/wife and all children of your relative (if your relative is your husband/wife, list only his or her children).

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

17. Address in the United States where your relative intends to live
(Number and Street) (Town or City) (State)

18. Your relative's address abroad
(Number and Street) (Town or City) (Province) (Country) (Phone Number)

19. If your relative's native alphabet is other than Roman letters, write his or her name and address abroad in the native alphabet:
(Name) (Number and Street) Town or City) (Province) (Country)

20. If filing for your husband/wife, give last address at which you both lived together:
(Name) (Number and Street) (Town or City) (Province) (Country) **From** (Month) (Year) **To** (Month) (Year)

21. Check the appropriate box below and give the information required for the box you checked:

☐ Your relative will apply for a visa abroad at the American Consulate in _____
(City) (Country)

☐ Your relative is in the United States and will apply for adjustment of status to that of a lawful permanent resident in the office of the Immigration and Naturalization Service at _____. If your relative is not eligible for adjustment of status, he or she will
(City) (State)
apply for a visa abroad at the American Consulate in _____,
(City) (Country)

(Designation of a consulate outside the country of your relative's last residence does not guarantee acceptance for processing by that consulate. Acceptance is at the discretion of the designated 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 filed a petition for this or any other alien before? ☐ Yes ☐ No
If "Yes," give name, place and date of filing, and result.

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

Penalties: You may, by law 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 and you may be fined up to $10,000 or imprisoned 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.

Signature _____ Date _____ Phone Number _____

Signature of Person Preparing Form if Other than Above

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 _____ (Address) _____ (Signature) _____ (Date) _____

G-28 ID Number _____

Volag Number _____

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 officer of the Immigration and Naturalization Service. Both you and your conditional permanent resident spouse are required to file a petition, Form I-751, Joint Petition to Remove Conditional Basis of Alien's Permanent Resident Status, during the ninety day period immediately before the second anniversary of the date your alien spouse was granted conditional permanent residence.

Otherwise, the rights, privileges, responsibilities and duties which 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 in behalf of qualifying relatives, or to reside permanently in the United States as an immigrant in accordance with the immigration laws.

Failure to file Form I-751, Joint Petition to Remove the Conditional Basis of Alien's Permanent Resident Status, will result in termination of permanent residence status and initiation of deportation proceedings.

NOTE: You must complete Items 1 through 6 to assure that petition approval is recorded. Do not write in the section below item 6.

1. **Name of relative** (Family name in CAPS) (First) (Middle)

2. **Other names used by relative** (Including maiden name)

3. **Country of relative's birth** 4. **Date of relative's birth** (Month/Day/Year)

5. **Your name** (Last name in CAPS) (First) (Middle) 6. **Your phone number**

Action Stamp

SECTION

- ☐ 201 (b)(spouse)
- ☐ 201 (b)(child)
- ☐ 201 (b)(parent)
- ☐ 203 (a)(1)
- ☐ 203 (a)(2)
- ☐ 203 (a)(4)
- ☐ 203 (a)(5)

DATE PETITION FILED

☐ **STATESIDE CRITERIA GRANTED**

SENT TO CONSUL AT;

CHECKLIST

Have you answered each question?

Have you signed the petition?

Have you enclosed:

- ☐ The filing fee for each petition?
- ☐ Proof of your citizenship or lawful permanent residence?
- ☐ All required supporting documents for each petition?

If you are filing for your husband or wife have you included:

- ☐ Your picture?
- ☐ His or her picture?
- ☐ Your G-325A?
- ☐ His or her G-325A?