

Instructions

NOTE: Read these instructions carefully. If you do not follow the instructions, U.S. Citizenship and Immigration Services (USCIS) may have to return your petition, which may delay final action. If more space is needed to complete an answer, continue on a separate sheet(s) of paper. USCIS is comprised of offices of the former Immigration and Naturalization Service (INS).

1. Who May File This Petition?

If you have been admitted to the United States as a refugee or if you have been granted status in the United States as an asylee, **and as the principal applicant within the previous two years**, you may file this petition. Approval of the I-730 petition for a relative abroad does not guarantee visa issuance. A separate Form I-730 must be filed for each family member.

You are not eligible to file this petition if:

- You were granted status in the United States as a derivative beneficiary or as an accompanying or following-to-join family member; or
- You were admitted to the United States as a refugee more than two years ago (see ***NOTE** below), or
- You were granted status in the United States as an asylee more than two years ago (see ***NOTE** below).

***NOTE:** The two-year limitation may be waived by USCIS for humanitarian reasons. Please attach a detailed explanation why the petitioner could not file within two years of being granted status. USCIS will make a decision based upon the explanation.

2. Who Is Eligible to Receive Accompanying or Following-to-Join Benefits?

Your spouse and/or your unmarried child(ren) under (21) years of age, whether inside or outside of the United States, are eligible for accompanying or following-to-join benefits **provided** that the family member(s) qualify under the conditions described below.

If you are a refugee:

- The relationship between you and your relative must have existed on the date you were admitted to the United States as a refugee and must continue to exist.
 - If the person you are filing for is a child who was conceived but not yet born on the date you were admitted to the United States, the relationship will be considered to exist as of the date you were admitted to the United States.
 - The mother of such child is not an eligible relative unless the mother was married to you, the principal refugee, when you were admitted to the United States.

If you are an asylee:

- The relationship between you and your relative must have existed on the date you were granted asylum in the United States and must continue to exist.

- If the person you are filing for is a child who was conceived but not yet born on the date you were granted asylum in the United States, the relationship will be considered to exist as of the date you were granted asylum in the United States.
- The mother of such child is not an eligible relative unless the mother was married to you, the principal asylee, when you were granted asylum in the United States.
- In all cases, if the family member you are filing for is your child, the child must be under 21 years of age when the petition is filed and continue to be unmarried at the time of approval.
- A spouse or child must be otherwise admissible as an immigrant (for refugee relatives) or not subject to the mandatory bars of 8 CFR 208.21 (for asylee relatives).

A petition may not be approved for the following persons:

- A spouse or child who has previously been granted refugee or asylee status.
- An adopted child, if the adoption took place after the child became 16 years old, or if the child has not been in legal custody and living with the adoptive parent(s) for at least two years.
- A stepchild, if the marriage that created this relationship took place after the child became 18 years old.
- A husband or wife, if each was not physically present at the marriage ceremony and the marriage was not consummated.
- A husband or wife, if it is determined that such alien has attempted or conspired to enter into a marriage for the purpose of evading immigration laws.
- A parent, sister, brother, grandparent, grandchild, nephew, niece, uncle, aunt, cousin or in-law.

3. What Are the General Filing Instructions?

Type or print legibly in black ink.

If you need extra space to complete any item, attach a separate continuation sheet. Indicate the item number, date and sign each sheet.

Answer all questions fully and accurately. Portions left unanswered may result in a Request for Evidence. If the previous marriages portion does not apply to you, please state "none." For all others that do not apply to you, please state "N/A."

Copies. In all cases, you should submit one readable photocopy of each required document to USCIS. If a copy of a document is submitted, USCIS may at any time require that the original document be submitted for review.

Translation. 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. Original documents submitted when not required will remain a part of the record.

4. What Documents Do You Need to Prove Eligibility and a Family Relationship?

Certain documents are required to be submitted with this petition to show that you are eligible to file this petition and to show that a relationship exists between you and your relative. (If the documents described below are not available, see **Sections 4 and 5** of these instructions):

- In all cases, submit **evidence of your status** as a refugee or asylee in the United States.
- In all cases, submit a recently taken clear **photograph** of the family member you are filing for.
- If you are petitioning for your **husband or wife**, submit your marriage certificate. If you and/or your spouse were previously married to other people, submit evidence of the legal termination of the previous marriage(s). Evidence of any legal name change must also be submitted, if applicable.
- If you are petitioning for your **child** and you are the **natural mother**, whether the child was born in or out of wedlock, submit the child's birth certificate showing both the child's name and your name. Evidence of any legal name change must also be submitted if the names on the birth certificate do not match the names on the petition.
- If you are petitioning for your **child** and you are the **natural father**, submit the child's birth certificate showing both the child's name and your name. If you were married to the child's mother, submit your marriage certificate. If you and/or the child's mother were previously married to other people, submit evidence of the legal termination of the previous marriage(s). If you were not married to the child's mother, submit evidence that the child was legitimated by civil authorities, submit evidence that a bona fide parent/child relationship exists or existed between you and the child. Evidence of a bona fide parent/child relationship should prove that you have emotional and financial ties to the child, and that you have shown genuine general welfare. Such evidence may include (but is not limited to) the following:

- Money order receipts;
- Canceled checks showing financial support of the child;
- Income tax returns in which you claim the child as a dependent and member of your household;
- Medical or insurance records that include the child as a dependent;
- School records for the child;
- Correspondence between you and the child;
- Notarized affidavits of reliable persons who are knowledgeable about the relationship. Evidence of any legal name change must also be submitted, if applicable.

- If you are petitioning for your **stepchild**, whether the child was born in or out of wedlock, submit the child's birth certificate and the marriage certificate between you and the child's natural parent. If you and/or the child's natural parent were ever previously married to other people, submit evidence of the legal termination of the previous marriage(s). Evidence of any legal name changes must also be submitted, if applicable.
- If you are petitioning for your **adopted child**, submit a certified copy of the adoption decree and evidence that you resided together with the child for at least two years. If you were granted legal custody of the child prior to the adoption, submit a certified copy of the court order granting custody. Evidence of any legal name changes must also be submitted, if applicable.

5. What If a Document Is Not Available?

If the documents described above are not available from the civil authorities, you may submit the following, as secondary evidence, along with a statement from the appropriate civil authority certifying that the required document(s) is(are) not available.

- **Religious institution record:** A certificate under the seal of the religious institution where the baptism, dedication or comparable rite occurred within two months after birth, showing the date and place of the child's birth, the date of the religious ceremony, and the names of the child's parents.
- **School record:** A letter from the authorities of the school (s) attended, showing the date of admission to the school, the child's date and place of birth and the names of both parents, if shown on the school records.
- **Census record:** State or federal census record showing name, place of birth, and date of birth or the age of the person(s) listed.

6. What If Secondary Evidence is Not Available?

If the secondary evidence described above is not available, you can submit affidavits. If you submit affidavits, they must overcome the absence of primary and secondary evidence.

Affidavits:

Submit 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 do not have to be United States citizens.

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 the knowledge of the event.

7. Where Do You File This Form?

Nebraska Service Center Filings

File Form I-730 with the Nebraska Service Center if you, the petitioner, currently live in the following states:

Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin or Wyoming.

The mailing address you should use is:

USCIS - Nebraska Service Center
P.O. Box 87730
Lincoln, NE 68501-7730

Texas Service Center Filings

File Form I-730 with the Texas Service Center if you, the petitioner, currently live in the following states:

Alabama, Arkansas, Connecticut, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, South Carolina, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, Tennessee, Texas, Vermont, Virginia, U.S. Virgin Islands, West Virginia or Washington, DC.

The mailing address you should use is:

USCIS - Texas Service Center
P.O. Box 852824
Mesquite, TX 75185

8. What Are the Penalties for Committing Marriage Fraud?

- Title 8, United States Code, Section 1325, states that any person 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 or imprisoned up to five years, or both.

9. What Is Our Authority for Collecting This Information?

USCIS requests the information on the form to carry out the immigration laws contained in Title 8, United States Code, Sections 1157(c)(2) and 1158(b)(3). USCIS needs 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 USCIS. You do not have to give this information. However, if you refuse to give some or all of it, your petition may be denied.

10. 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.

11. Use InfoPass for Appointments

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 at www.uscis.gov. 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. Print the notice and take it with you to your appointment. The notice gives the time and date of your appointment, along with the address of the USCIS office.

12. 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 to average 35 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. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Avenue, N.W., Suite 3008, Washington, DC 20529. OMB No. 1615-0037. Do not mail your petition to this address.**

Check List.

- Did you answer each question on the Form I-730 petition according to the instructions on the form?
- Did you sign and date the petition?
- Did you submit proof of your status as a refugee or asylee in the United States?
- Did you submit documented proof of relationship, including those needing copies and/or translations?
- Did you submit the beneficiary photo?
- Did you provide the beneficiary's address where he or she is residing now?
- Did you provide the beneficiary's name and address as written in the language of his or her country of residence?

I-730, Refugee/Asylee Relative Petition

DO NOT WRITE IN THIS BLOCK - FOR USCIS OFFICE ONLY

Section of Law <input type="checkbox"/> 207 (c)(2) Spouse <input type="checkbox"/> 207 (c)(2) Child <input type="checkbox"/> 208 (b)(3) Spouse <input type="checkbox"/> 208 (b)(3) Child	Action Stamp	Receipt
Reviewed For Material Support Date:		Remarks

START HERE - Please type or print legibly in black ink.

Petitioner Status: Refugee Lawful Permanent Resident based on previous Refugee status
 Asylee Lawful Permanent Resident based on previous Asylee status

I am filing this petition for my: Spouse Biological Child
 Unmarried child under 21 years of age who is: Stepchild
 Adopted Child

Number of relatives I am filing for: _____ (_____ of _____)

Part 1. Information about you.

Family Name (Last Name), Given Name (First Name), Middle Name

Address - C/O

Street Number and Name Apt. #

City State or Province

Country Zip/Postal Code Gender: a. Male
 b. Female

Date of Birth (mm/dd/yyyy) Country of Birth

Country of Citizenship/ Nationality Telephone Number Country and City/Area Code

Alien Registration Number(A#) U.S. Social Security # (If applicable.)

Other Name(s) Used (Including maiden name)

State If Married, Date (mm/dd/yyyy) and Place of Present Marriage:

State If Previously Married, Name(s) of Prior Spouse(s):

Date(s) Previous Marriage(s) Ended: (mm/dd/yyyy)

If Granted Refugee Status, Date (mm/dd/yyyy) and Place Admitted to the United States:

Date (mm/dd/yyyy) and Place Refugee or Asylee status was granted:

Part 2. Information about your alien relative.

Family Name (Last Name), Given Name (First Name), Middle Name

Address - C/O

Street Number and Name Apt. #

City State or Province

Country Zip/Postal Code Gender: a. Male
 b. Female

Date of Birth (mm/dd/yyyy) Country of Birth

Country of Citizenship/Nationality Telephone Number Country and City/Area Code

Alien Registration Number (If any.) U. S. Social Security # (If any.)

Other Name(s) Used (Including maiden name)

State If Married, Date (mm/dd/yyyy) and Place of Present Marriage:

State If Previously Married, Name(s) of Prior Spouse(s):

Date(s) Previous Marriage(s) Ended: (mm/dd/yyyy)

To Be Completed by
 Attorney or Representative, if any.
 Fill in box if G-28 is attached to represent the petitioner.

Volag # _____

Atty State License # _____

