

Table of Changes Instructions for Form I-730 May 19, 2010

Page No.	CURRENT LANGUAGE	PROPOSED LANGUAGE
Page 1	<p>[Add an additional heading after “Who May File Form I-730?” Heading should resemble</p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 10px auto;">Who May File Form I-730?</div> <p>]</p>	<p>Who May Not File Form I-730?</p> <p>You are not eligible to file this petition if:</p> <ol style="list-style-type: none"> 1. You were granted <p>[include 2, 3, 4. and Note1: See changes to 4 and Note 1]</p>
Page 1, Who May File Form I-730? , 4.	<p>You became a naturalized U.S. prior to filing the Form I-730. If you are currently a U.S. citizen, you may file Form I-130 to petition for your spouse or minor children. (Note: if you previously filed Form I-730 for your relative when you were a principal refugee, however, you are now a U.S. citizen, and USCIS has not adjudicated your petition, USCIS may continue to process your relative for refugee resettlement in the United States as a matter in the public interest, provided that your relative is otherwise qualified for consideration by the U.S. Refugee Program. See 8 Code of Federal Regulations (CFR) § 207.1(d).)</p>	<p>You became a naturalized U.S. citizen prior to filing the Form I-730. If you are currently a U.S. citizen, you may also file Form I-130 to petition for your spouse or children at any time. (Note: if you previously filed Form I-730 for your relative when you were a principal refugee or principal asylee or a Legal Permanent Resident (LPR) who acquired such status after being admitted to the U.S. as a principal refugee or being granted asylum as a principal asylee, and have since become a naturalized U.S. citizen, USCIS may continue to process your Form I-730 if it has not yet been adjudicated).</p>
Page 1, Who May file Form I-730? , 4. Note 1:	<p>Note 1: The two-year limitation may be waived by USCIS for humanitarian reasons. Explain in Part 3 of the form why the petitioner could not file within two years of being granted status. USCIS will make a decision based upon the explanation.</p>	<p>Note 1: The two-year limitation may be waived by USCIS for humanitarian reasons. Explain in Part 3 of the form why you could not file within two years of being granted status. USCIS will make a decision based upon the explanation.</p>
Page 1, Who May File Form I-730, Who is Eligible to Receive	<p>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</p>	<p>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</p>

<p><u>Accompanying or Following-to-Join Benefits, If you are a principal asylee, #1a</u></p>	<p>the United States (See NOTE 3).</p>	<p>the United States, the relationship will be considered to exist as of the date you were granted asylum in the United States (See NOTE 3).</p>
<p>Page 2, Children who have reached 21 years of age, 2 (continued from page 1 of the instructions).</p>	<p>A spouse or child of a principal refugee must be otherwise admissible as an immigrant. A spouse or child of a principal asylee must not be subject to the mandatory bars of 8 CFR § 208.21. Note: if the spouse or child of a principal asylee is otherwise inadmissible as an immigrant, this fact may be considered in determining whether USCIS will exercise its discretion favorably to grant accompanying or following-to-join asylee benefits to such spouse or child.</p>	<p>A spouse or child of a principal refugee must not have ordered, incited, assisted, or otherwise participated in the persecution of another (see INA Section 207(c)(2)(A)) and must be otherwise admissible as an immigrant. A spouse or child of a principal asylee must not be subject to the mandatory bars of 8 CFR § 208.21. Note: if the spouse or child of a principal asylee is otherwise inadmissible as an immigrant, this fact may be considered in determining whether USCIS will exercise favorable discretion to grant accompanying or following-to-join asylee benefits to such spouse or child.</p>
<p>Page 3, General Instructions (second paragraph of first column; continued from page 2)</p>	<p>Regardless of the location of your alien relative, he or she will be required to review the information on this petition, at the time of his or her interview, verify that it is accurate, and sign it at the time of the interview.</p>	<p>Regardless of the location of your alien relative, he or she will be required at the time of the interview to review the information on this petition, verify that it is accurate, and sign it.</p>
<p>Page 3, What Documents Do You need to Prove Eligibility and A Family Relationship?, 5 (Second paragraph)</p>	<p>If you were married to the child's mother, submit evidence that the child was legitimated by civil authorities and 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 provide 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:</p>	<p>If you were married to the child's mother, submit evidence that the child was legitimated by civil authorities and 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 provide that you have emotional and financial ties to the child, and that you have shown genuine interest in the child's general welfare. Such evidence may include (but is not limited to) the following:</p>
<p>Page 4, Biometrics</p>	<p>[change to second sentence only] Identity, background, and security checks are required</p>	<p>Identity, background, and security checks are required</p>

(Fingerprints and Photographs)	on your alien relative before he or she may be granted derivative asylum or refugee status. For example, USCIS must check the records of the U.S. Federal Bureau of Investigation (FBI) and other information, including all relevant databases of the U.S. Government before asylum may be granted to your relative. (rest of paragraph remains the same)	on your alien relative before he or she may be granted derivative asylum or refugee status. For example, USCIS must check the records of the U.S. Federal Bureau of Investigation (FBI) and other information, including all relevant databases of the U.S. Government before derivative asylum or derivative refugee status may be granted to your relative.
Page 4, Interview Process (first paragraph)	[Change to last sentence only]	(see Biometrics (Fingerprints and Photographs) section of the instructions).
Page 5, Interview Process (second paragraph of the first column; continued from page 4)	[Add Note to the second paragraph of the first column after See 8 C.F.R. 208.9(g)]	If your alien relative, who resides in the United States, is unable to proceed with the interview in fluent English and you are applying for derivative asylum status for your relative, he or she must provide at no expense to USCIS a competent interpreter fluent in both English and a language that your alien relative speaks fluently. See 8 C.F.R. 208.9(g). (See Note 4 if you are applying for derivative refugee status for your relative).
Page 5, USCIS Forms and Information , Note (bottom of page)	NOTE: Asylum Offices do not use InfoPass. If you have a question regarding a petition in the jurisdiction of an Asylum Office, you should visit the Asylum Office and make your inquiry there.	Note: Asylum Offices do not use InfoPass. If you have a question regarding a petition in the jurisdiction of an Asylum Office, you should contact the National Customer Service Center at 1-800-375-5283 or visit our internet website at www.uscis.gov.
Page 6, Add new language		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

		<p>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.</p> <p>The Department of Homeland Security has the right to verify any information you submit to establish eligibility for the immigration benefit you are 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.</p>
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Justification:

Make the Form I-730 instructions comply with Title 8, Code of Federal Regulation, Part 208.21(b); correct typographical errors on the Form I-730 Instructions; and to inform the spouse or child of a principal refugee that he/she is subject to Section 207 (c)(2)(A) of the Immigration and Nationality Act.

Correct typographical errors on the Form I-730; provide a section on the Form I-730 for an Immigration Services Officer to indicate if the beneficiary has been previously claimed; provide a section on the Form I-730 for Immigration Services Officer to annotate if the beneficiary is eligible for benefits under the Child Status Protection Act; provide a section on the Form I-730 for an overseas officer to annotate if the beneficiary has been approved for travel; and to provide a section on the Form I-730 for a Customs and

Border Protection Officer to place admittance stamp upon the Form I-730 beneficiary's arrival at a Port of Entry.