

Instructions for Form I-929, Petition for Qualifying Family Member of a U-1 Nonimmigrant

What Is the Purpose of This Form?

The purpose of Form I-929, Petition for Qualifying Family Member of a U-1 Nonimmigrant, is to request immigration benefits on behalf of a family member who never held a U nonimmigrant status. To process your Form I-929, you will need to supply U.S. Citizenship and Immigration Services (USCIS) with a signed Form I-929 and the filing fee. In addition, you will need to supply the appropriate supporting documents for your petition. Any non-English language document must be translated into English.

Who May File?

A petitioner may file this form with USCIS on behalf of a family member who does not hold U nonimmigrant status and who wishes to immigrate to the United States. You, as the petitioner, must demonstrate that:

- A. You became a lawful permanent resident, or have a pending Form I-485, Application to Register Permanent Residence or Adjust Status, based on your status as a U-1 nonimmigrant (victim of criminal activity);
- B. Your alien relative is eligible for immigrant classification based on his or her relationship to you;
- C. You can establish that you or your alien relative will suffer extreme hardship if not allowed to remain in or to enter the United States; and
- D. You can establish that discretion should be exercised in favor of your alien relative.

You must file a separate petition for each eligible relative.

For Whom May You File?

- A. If you are under 21 years of age, you may file this petition on behalf of your:
 1. Spouse;
 2. Unmarried child(ren) under 21 years of age; and
 3. Parent(s).

- B. If you are over 21 years of age, you may file this petition on behalf of your:
 1. Spouse; and
 2. Unmarried child(ren) under 21 years of age.

What Are the General Filing Instructions?

- A. Type or print legibly in black ink.
- B. If extra space is needed to complete any item, attach a continuation sheet and indicate your full name and Alien Registration Number (A-Number) at the top of each sheet of paper. Indicate the item number and sign and date each sheet.
- C. Answer all questions fully and accurately. If any item does not apply, write "N/A."

Translations

Any document containing a foreign language submitted to USCIS must be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English.

Copies

If these instructions state that a copy of a document may be filed with your Form I-929, 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 Initial Evidence Is Required to Support This Petition?

You are required to submit the following:

- A. Evidence of your lawful permanent resident status or evidence that you have a pending Form I-485 based on your status as a U-1 nonimmigrant;
- B. Evidence of your relationship to the alien beneficiary;
- C. Evidence of extreme hardship to you or your alien relative if he or she is not allowed to remain in or to enter the United States; and

- D.** Evidence to establish that discretion should be exercised in favor of your alien relative.

NOTE: Form I-929 cannot be approved for your alien relative until your Form I-485 is approved based on your U-1 nonimmigrant status.

What Documents Do You Need to Demonstrate Your Status?

Provide the following to demonstrate you are eligible to file this petition:

- A.** 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.
- B.** If your Form I-485 is pending, you must submit a copy of your approval notice for your Form I-918, Petition for U Nonimmigrant Status, and a receipt notice showing that your Form I-485 has been filed with USCIS.

What Documents Do You Need to Demonstrate a Family Relationship?

Certain documents are required to be submitted with this petition to show that a relationship exists between you and your relative. In all cases, submit a recently taken clear **photograph** of the family member for whom you are filing, and if you are filing for:

- A. A Husband or wife:** Submit the following documentation:
1. A copy of your marriage certificate;
 2. If either you or your spouse were previously married, copies of documents showing that all prior marriages were legally terminated; and
 3. Evidence of any legal name change.
- B. 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.
- C. A child born in wedlock and you are the father:** Submit 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 of age, 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 of age. 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 mother:** Submit a copy of your birth certificate showing your name and your mother's name. Also submit evidence of any legal name change if the names on the birth certificate do not match the names on the petition.

- F. A father:** Submit a copy of your birth certificate showing the names of both parents. Also give a copy of your parent's 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, G, and H.**

- G. 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. If you or the child's natural parent were ever previously married to other people, submit copies of documents showing that any prior marriages were legally terminated. Evidence of any legal name changes must also be submitted.

- H. Adoptive parent of adopted child:** If you and the person you are filing for are related by adoption, you must submit a certified copy of the adoption decree(s) showing that the adoption took place before the child became 16 years of age.

If you adopted the child's sibling, 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 to fulfill the 2-year legal custody requirement.

What Documents Do You Need to Demonstrate Extreme Hardship?

Extreme hardship is determined on a case-by-case basis. You are encouraged to cite and document all applicable factors you believe demonstrate that you or your alien relative will suffer extreme hardship if he or she is not allowed to remain in or to enter the United States. You must demonstrate that refusal to allow the family member to remain in or to enter the United States would result in a degree of hardship beyond that typically associated with such a removal or refusal. Factors to be considered may be, but are not limited to, the following:

- A.** The nature and extent of the physical or mental abuse suffered as a result of having been a victim of criminal activity;
- B.** The impact of loss of access to the U.S. courts and criminal justice system, including but not limited to participation in the criminal investigation or prosecution of the criminal activity of which the alien was a victim, and any civil proceedings related to family law, child custody, or other court proceeding stemming from the criminal activity;
- C.** The likelihood that the perpetrator's family, friends, or others acting on behalf of the perpetrator in the home country would harm the applicant or the applicant's children;
- D.** The applicant's needs for social, medical, mental health, or other supportive services for victims of crime that are unavailable or not reasonably accessible in the home country;
- E.** If the criminal activity involved arose in a domestic violence context, the existence of laws and social practices in the home country that punish the applicant or the applicant's child(ren) because they have been victims of domestic violence or have taken steps to leave an abusive household;
- F.** The perpetrator's ability to travel to the home country and the ability and willingness of authorities in the home country to protect the applicant or the applicant's children; and
- G.** The age of the applicant, both at the time of entry to the United States and at the time of application for adjustment of status.

What Documents Do You Need to Establish That Discretion Should be Exercised?

Submit evidence, including a signed statement from your alien relative and other supporting documentation, to establish that discretion should be exercised in favor of your alien relative.

Although you are not required to establish that your alien relative is admissible, USCIS may take into account all factors, including acts that would otherwise render your alien relative inadmissible, in making its discretionary decision on the application. Where adverse factors are present, you may offset these by submitting supporting documentation establishing mitigating equities that your alien relative wants USCIS to consider when determining whether or not a favorable exercise of discretion is appropriate. Depending on the nature of the adverse factors, you may be required to clearly demonstrate that the denial of adjustment of status or an immigrant visa would result in exceptional and extremely unusual hardship to you.

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 2 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 name, 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: full

name, address, date and place of birth, relationship to you, full information concerning the event, and complete details explaining how the person acquired knowledge of the event.

Where Should You File This Form?

Mail your complete petition package to the following address:

USCIS
Vermont Service Center
75 Lower Welden Street
St. Albans, VT 05479-0001

What Is the Filing Fee?

The filing fee for Form I-929 is **\$215**.

Use the following guidelines when you prepare your check or money order for filing the fee:

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**, unless:
 - A. If you live in Guam, make it payable to **Treasurer, Guam**.
 - B. If you live in the U.S. Virgin Islands, make it payable to **Commissioner of Finance of the Virgin Islands**.

NOTE: Please 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 for Form I-929 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 Internet Web site at **www.uscis.gov**, select "FORMS," and check the appropriate fee;
2. Review the Fee Schedule included in your form package, if you called us to request the form; or
3. Telephone our National Customer Service Center at **1-800-375-5283** and ask for the fee information.

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 Web site at **www.uscis.gov**.

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 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 your Form I-929, we will deny your Form I-929 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 that you are filing. Our legal right to ask for this information can be found in the Immigration and Nationality Act, as amended. 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 Form I-929.

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 1 hour 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, 111 Massachusetts Avenue, N.W. 3rd Floor, Suite 3008, Washington, DC 20529-2210. OMB No. 1615-0106. **Do not mail your application to this address.**

Checklist

- Did you answer each question on the Form I-929 according to the instructions on the form?
- Did you sign and date Form I-929?
- Did you submit proof of your lawful permanent resident status or pending Form I-485 based on U-1 nonimmigrant status?
- Did you submit proof of relationship, including documents needing copies and/or translations?
- Did you submit proof of extreme hardship?
- Did you submit evidence to establish that discretion should be exercised?
- Did you submit the beneficiary's photo?
- Did you provide the beneficiary's address where he or she is residing now?