

Form I-730, Refugee/Asylee Relative Petition

Who May File Form I-730?

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 you were the principal applicant for your family, you may file Form I-730, Refugee/Asylee Relative Petition **provided that** your refugee admission or asylum grant occurred within the past 2 years. Approval of Form I-730 for a relative abroad does not guarantee visa issuance. A separate Form I-730 must be filed for each qualifying family member for whom you are petitioning.

Who May Not File Form I-730?

You are not eligible to file this petition if:

1. You were granted status as an accompanying or following-to-join derivative refugee or asylee;
2. You were admitted to the United States as a refugee more than 2 years ago (see **NOTE 1**);
3. You were granted status in the United States as an asylee more than 2 years ago (see **NOTE 1**); or
4. You became a naturalized U.S. citizen prior to filing Form I-730, Petition for Alien Relative. 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 Lawful Permanent Resident (LPR) who acquired such status after being admitted to the United States as a principal refugee or being granted asylum as a principal asylee, and have since become a naturalized U.S. citizen, United States Citizenship and Immigration Services (USCIS) may continue to process your Form I-730 if it has not been adjudicated).

NOTE 1: The 2-year limitation may be waived by USCIS for humanitarian reasons. Explain in Part 3 of the form why you could not file within 2 years of being granted status. USCIS will make a decision based upon the explanation.

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

Your spouse and/or your unmarried child(ren) under the age of 21, whether living 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 principal refugee

1. 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.

- a. 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 (See **NOTE 2**).
- b. 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.

NOTE 2: If your child was physically born in the United States, then the child is a U.S. citizen, and you do not need to file this form. You should obtain documentation of the child's citizenship, such as a birth certificate or passport.

If you are a principal asylee

1. 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.
 - a. 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 (See **NOTE 3**).
 - b. 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.

NOTE 3: If your child was physically born in the United States, then the child is a U.S. citizen and you do not need to file this form. You should obtain documentation of the child's citizenship such as a birth certificate or passport.

Children who have reached 21 years of age

1. For asylees, a child who is under 21 years of age on the date the Form I-589, Application for Asylum and Withholding of Removal, is received by USCIS will continue to be classified as a child for purposes of determining asylum eligibility and related benefits. For refugees, a child who is under the age of 21 on the date the principal alien is first interviewed by USCIS will continue to be classified as a child for purposes of determining refugee eligibility and related benefits. In both cases, in order to be considered a derivative child, the principal alien must have listed the child on Form I-589, Registration for Classification as Refugee, as appropriate, prior to the derivative's 21st and prior to adjudication of the application. If your Form I-589 or Form I-590 was filed before August 6, 2002, **and your child turned 21 years of age prior to that date**, that application must still have been pending on August 6, 2002, in order for your child to continue to be classified as a child.

In all cases, your child must be unmarried on the date you filed this petition, and at the time it is decided by USCIS in order to receive derivative asylum or refugee status.

2. 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 Section 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.

A petition may not be approved for the following persons

1. A spouse or child who has previously been granted refugee or asylee status;
2. An adopted child, if the adoption took place after the child became 16 years of age, or if the child has not been in legal custody and living with the adoptive parent(s) for at least 2 years;
3. A stepchild, if the marriage that created this relationship took place after the child became 18 years of age;
4. A husband or wife, if each was not physically present at the marriage ceremony, and the marriage was not consummated;
5. 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; and
6. A parent, sister, brother, grandparent, grandchild, nephew, niece, uncle, aunt, cousin, or in-law.

Warning: If your alien relative is in the United States illegally, he or she is subject to removal if Form I-730 is not granted by USCIS. Any information provided in completing this petition may be used as a basis for initiating, or as evidence in, removal proceedings, even if the petition is later withdrawn. Unexcused failure of your alien relative to appear for an appointment to provide biometrics (such as fingerprints) and other biographical information within the time allowed may result in dismissal of the petition. See 8 CFR Section 103.2(b)(13).

Penalty for Perjury. All statements in response to questions contained in this petition are declared to be true and correct under penalty of perjury. You and anyone who assists you in preparing the petition must sign the petition under penalty of perjury. Your signature is evidence that you are aware of the contents of this petition. Any person assisting you in preparing

this form must include his or her name, address, telephone number, and sign the petition where indicated in Part 7. Failure of the preparer to sign will result in the petition being returned to you as an incomplete petition. If USCIS later learns that you received assistance from someone who **willfully** failed to sign the petition, this may result in an adverse ruling against you.

Title 18, United States Code (U.S.C.), Section 1546(a), provides in part:

Whoever knowingly makes under oath, or permitted under penalty of perjury under Section 1746 of Title 28, United States Code, knowingly subscribes as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit, or other document containing any such false statement shall be fined in accordance with this title or imprisoned not more than 10 years, or both.

If aggravating factors exist, the maximum term of imprisonment for a conviction under 18 U.S.C. Section 1546(a) could reach 25 years.

If you knowingly provide false information on this petition, you or the preparer of this petition may be subject to criminal penalties under Title 18 of the U.S.C. and to civil penalties under section 274C of the INA, 8 U.S.C. 1324c.

General Instructions

Type or print legibly in blue or black ink.

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

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, state "None." For all other portions that do not apply to you, state "N/A."

In **Part 2**, on Page 1, supply the *current* residential and mailing addresses (include the mailing address if it is different from the residential address) of your alien relative and indicate whether your alien relative is living inside or outside of the United States. If your alien relative is outside of the United States, indicate at which USCIS Office or U.S. Embassy or consulate your alien relative will apply for travel authorization. In **Part 2** on Page 2, supply the *current* mailing address of your alien relative *written in the language of the country where he or she now resides*, in order for him or her to receive an interview notice or other correspondence from USCIS. Failure to provide your relative's mailing address in the language of the country where he or she resides may result in

significant delays in interviewing your relative and processing this petition.

If your alien relative is inside the United States, both you and your alien relative, if 14 years of age or older, must sign the petition at the time of filing.

Page 3, Part 2. Information About the Beneficiary (continued). Complete all sections. Regarding the Admission/travel document - provide the I-94 admission number which may have been received from U.S. Customs and Border Protection in connection with arrival and admission to the United States, or from U.S. Citizenship and Immigration Services if immigration status was granted within the United States. The I-94 number is on the Form I-94 Arrival-Departure Record, which may be noted as the Departure Number on some versions. If CBP did not provide a Form I-94 upon arrival/admission to the United States, a print out of the Form I-94 may be obtained according to the instructions provided by CBP. Also, provide the date of admission and the date that the authorized stay expired or will expire.

If a passport or other travel document was used at the last admission to the United States, enter the number in the space provided even if the document is now expired. Provide the country of issuance and expiration date as well.

If your alien relative is outside of the United States, only you are required to sign the petition at the time of filing.

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.

Submission of Documents. You must submit one readable photocopy of each required document to USCIS. Do not submit original documents unless you are asked to provide them. For example, USCIS may require that you provide for review the original document of any copy you submit.

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.

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 Form I-730 and to show that a relationship exists between you and your relative. (If the documents described below are not available, see the sections of these instruction entitled "What If a Document Is Not Available?" and "What If Secondary Evidence Is Not Available?")

1. In all cases, submit **evidence of your status** as a refugee or asylee in the United States.
2. In all cases, submit a recently taken clear **photograph** of the family member for whom you are filing. The photograph must be a full frontal picture of your family member, and meet passport specifications. For more information on photographs, you may call USCIS National Customer Service Center at **1-800-375-5283**.
3. If you are petitioning for your **husband or wife**, submit your marriage certificate and the birth certificate of your spouse. If you or your spouse were previously married to other people, submit evidence of the legal termination of the previous marriage(s) such as a divorce or death certificate. Evidence of any legal name change must also be submitted, if applicable.
4. 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.
5. 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 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 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:
 - a. Money order receipts;
 - b. Canceled checks showing financial support of the child;
 - c. Income tax returns in which you claim the child as a dependent and a member of your household;
 - d. Medical or insurance records that include the child as a dependent;
 - e. School records for the child;
 - f. Correspondence between you and the child; or
 - g. Notarized affidavits of reliable persons who are knowledgeable about the relationship. Evidence of any legal name change must also be submitted, if applicable.

6. If you are petitioning for your **stepchild**, submit the child's birth certificate and the marriage certificate between you and the child's natural parent. If you 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.

7. 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 2 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.

What If A Document Is Not Available?

If the documents described above are not available from the civil authorities, you must 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.

1. **Religious institution record:** A certificate under the seal of the religious institution where the baptism, dedication, or comparable rite occurred within 2 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.
2. **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.
3. **Census record:** State or Federal census record showing name, place of birth, and date of birth, or the age of the person(s) listed.

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 2 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, divorce, or death. The persons making the affidavits do not have to be U.S. 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.

What Additional Documents Must You Submit?

If your alien relative is in the United States, please submit a copy of both sides of his or her Form I-94, Arrival-Departure Record, if any.

Biometrics (Fingerprints and Photographs)

Identity, background, and security checks are required 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. To facilitate these checks, USCIS may require your alien relative to provide biometrics. Where applicable, this means that if your relative is 14 years of age or over, he or she must be fingerprinted and photographed. Your alien relative will be given instructions on how to complete this requirement. If your alien relative is living in the United States and is subject to biometrics collection, he or she will be notified in writing of the appointment time and the location of the Application Support Center (ASC), or the designated Law Enforcement Agency where he or she must go to be fingerprinted and photographed. If your relative is living outside of the United States, he or she will be given instructions, if applicable, for fingerprinting and photographs by DHS, the Department of State (DOS), or Overseas Processing Entities (OPEs) (i.e., organizations who assist the U.S. government).

Your relative's unexcused failure to appear for a scheduled appointment or to provide biometrics where required, including fingerprints and photographs, or to provide other biographical information within the time allowed may result in the denial of your Form I-730.

Where to File?

If you changed your address, you must inform USCIS of your new address. For information on filing a change of address go to the USCIS Web site at www.uscis.gov/addresschange or contact the National Customer Service Center at **1-800-375-5283**.

Interview Process

If your alien relative is living in the United States, USCIS may request that he or she appear for an interview. A written notice of the date, time, and place (address) of the scheduled interview will be sent to your relative. (In addition to your alien relative, you, the petitioner, may be asked to appear for an interview.) See 8 C.F.R. Section 103.2(a)(9) ("[A] petitioner... [or] a beneficiary...may be required to appear...for an interview."). Your alien relative generally will be required to appear at an ASC for biometrics collection before the interview will take place (see Biometrics (Fingerprints and Photographs) section of the instructions).

USCIS suggests that your alien relative bring a copy of your Form I-730 to the interview. An immigration officer will interview your alien relative under oath and make a determination concerning your petition. Your alien relative may receive notification of the decision in the case on the day of the interview, or he or she will in some cases be notified of the decision on a date after the interview. Your alien relative has the right to legal representation at the interview, at no cost to the United States Government. Your alien relative also may bring witnesses to the interview to testify on his or her behalf.

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). The interpreter must be at least 18 years of age. The following persons cannot serve as the interpreter: you or your alien relative's attorney or representative of record; a witness testifying on your alien relative's behalf at the interview; or a representative or employee of your country. Quality interpretation may be crucial to your petition. Assistance must be obtained at your expense prior to the interview.

Failure without good cause to bring a competent interpreter to the interview may be considered an unexcused failure to appear for the interview. Any unexcused failure to appear for an interview may result in dismissal of your petition (See NOTE 4).

If you are hearing-impaired and require the services of a sign-language interpreter in your language, one will be provided for you. Contact the asylum office with jurisdiction over your case as soon as you receive a notice for your interview to notify the office that you will need a sign-language interpreter in your language, so that accommodations can be made in advance.

NOTE 4: Although current regulations only require individuals seeking asylum to bring competent interpreters to the interview in the United States, USCIS strongly suggests that individuals seeking derivative refugee status bring an interpreter for the interview in accordance with these instructions.

If available, your alien relative must bring some form of identification to the interview, including any passport(s), other travel or identification documents, or Form I-94 (Arrival-Departure Record). Your alien relative may bring to the interview any additional available items in support of the petition that have not already been submitted with your petition. All documents must be submitted in triplicate.

If your alien relative is living outside of the United States, he or she will be interviewed by an appropriate U.S. Government official in accordance with DHS and DOS procedures for refugee and asylee derivative interviews in the specific country. Your relative will be notified of the date, time, and place for his or her interview.

What Are the Penalties for Committing Marriage Fraud?

1. 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 5 years, or fined not more than \$250,000, or both.
2. 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 5 years, or both.

What Is Our Authority for Collecting This Information?

USCIS requests the information on Form I-730 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 and the information provided by your relative beneficiary, including biometrics, may also be disclosed to other Federal, State, local, and foreign law enforcement and regulatory agencies during the course of the investigation by USCIS or for other lawful purposes, subject to applicable confidentiality provisions. You do not have to give this information. However, if you refuse to give some or all of it, your petition may be denied.

USCIS Forms and Information

You can get USCIS forms and immigration-related information on the USCIS Web site at www.uscis.gov. You may order USCIS forms by calling our toll-free number at **1-800-870-3676**. You may also obtain forms and information by telephoning our USCIS National Customer Service Center at **1-800-375-5283**.

As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through USCIS Internet-based system, **InfoPass**. To access the system, visit USCIS 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 this request, we will deny the benefit you are filing for, and may deny any other immigration benefit.

In addition, you will face severe penalties provided by law, and may be subject to criminal prosecution.

USCIS Privacy Act Statement

AUTHORITIES: The information requested on this form, and the associated evidence, is collected under the Immigration and Nationality Act, section 101, et seq.

PURPOSE: The primary purpose for providing the requested information on this form is to determine if you have established eligibility for the immigration benefit for which you are filing. The information you provide will be used to grant or deny the benefit sought.

DISCLOSURE: The information you provide is voluntary. However, failure to provide the requested information, and any requested evidence, may delay a final decision or result in denial of your form.

ROUTINE USES: The information you provide on this form may be shared with other Federal, State, local, and foreign government agencies and authorized organizations following approved routine uses described in the associated published system of records notices [DHS-USCIS-007-Benefits Information System and DHS-USCIS-001-Alien File, Index, and National File Tracking System of Records, which can be found at www.dhs.gov/privacy]. The information may also be made available, as appropriate, for law enforcement purposes or in the interest of national security.

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 have also authorized the release of any 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.

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. USCIS' 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 locations 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.

Subject to the restrictions under 8 CFR Part 103.2(b) (16), you will be provided an opportunity to address any adverse or derogatory information that may result from a USCIS compliance review, verification, or site visit after a formal decision is made on your case or after the agency has initiated an adverse action which may result in revocation or termination of an approval.

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 40 minutes 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 Coordination Division, Office of Policy and Strategy, 20 Massachusetts Avenue, N.W., Washington, DC 20529-2020. OMB No. 1615-0037. **Do not mail your completed Form I-730 to this address.**

Check List

- 1. Did you answer each question on Form I-730 according to the instructions on the form?
- 2. Did you sign and date Form I-730?
- 3. Did you submit proof of your status as a refugee or asylee in the United States?
- 4. Did you submit documented proof of relationship, including copies and translations?
- 5. Did you submit the beneficiary's photo?
- 6. Did you provide the beneficiary's address where he or she is residing now?
- 7. Did you provide the beneficiary's name and address as written in the language of his or her country of residence?
- 8. If your beneficiary is currently residing in the United States, did he or she review the information on this petition for accuracy?
- 9. If your beneficiary is currently residing in the United States, did he or she read the certification statement, sign it, and date it?