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Proof of Family Relationship: I-130 Petition - Family Based Green Card

You have to prove that there is a family relationship between you and your relative.

If you are filing for:

A. **A husband or wife (spouse[1])**, submit the following documentation:

1. A copy of your civil **marriage certificate[2]**
2. If either you or your spouse were previously married, submit copies of documents (divorce decrees, death certificates, or annulment decrees) showing that all prior marriages were legally terminated.
3. A **passport-style color photo[3]** of yourself and **passport-style color photo[3]** of your husband or wife, taken within past 30 days of the date of this petition. The photos must have a white background and be glossy, unretouched and not mounted. The dimensions of the full frontal facial image should be about 1 inch from the chin to top of the hair. Using pencil or felt pen, lightly print the name (and Alien Registration Number, if known) on the back of each photograph.
4. A completed and signed **Form G-325A[4]**, Biographic Information, for you and a **Form G-325A[4]** for your husband or wife. Except for your name and signature, you do not have to repeat on the **Form G-325A[4]** the information given on your **Form I-130[5]** petition.

As an evidence of your bona fide marriage, you should submit one or more of the following types of documentation:

1. Documentation showing joint ownership or property; or
2. A lease showing joint tenancy of a common residence; or
3. Documentation showing co-mingling of financial resources; or
4. Birth certificates(s) of child(ren) born to you, the petitioner, and your spouse together; or
5. Affidavits sworn to or affirmed by third parties having personal knowledge of the bona fides of the marital relationship. (Each affidavit must contain the full name and address, date and place of birth of the person making the affidavit, his or her relationship to the petitioner of beneficiary, if any, and complete information and details explaining how the person acquired his or her knowledge of your marriage); or
6. Any other relevant documentation to establish that there is an ongoing marital union.

If you married your husband or wife while your husband or wife was the subject of an exclusion, deportation, removal, or rescission proceeding (including judicial review of the decision in one of these proceedings), this evidence must be sufficient to establish the bona fides of your marriage by clear and convincing evidence.

If you have been married less than two years when your spouse is granted lawful permanent resident status, your spouse will receive permanent resident status on a conditional basis. You and your spouse must apply together to remove the conditions on residence. Please note - you must apply to remove conditional status within 90 days before the 2-year anniversary of the award date of your spouse's conditional legal permanent resident status. If you fail to file during this time, your spouse will be considered out of status as of the 2-year anniversary, and may be subject to removal from the U.S.

Remove the conditions on permanent residence based on marriage[6]

It is possible for your spouse to come to the U.S. to live while the visa petition is pending. Read **K3/K4 visa[7]** (spouse/children of U.S. citizen) and **V-visa[8]** (spouse/children of permanent residents)

B. **Child[9] or Son/Daughter[10]** :

Child - Unmarried and under 21 years of age

Son/Daughter - Being married and/or age 21 years and over.

If you are a **U.S. citizen mother**, or if you are a **lawful permanent resident father or stepparent** of the child

- ◊ A copy of the child's **birth certificate[11]** showing your name and the child's name

If you are a **U.S. citizen father or stepparent**, or if you are a **lawful permanent resident father or stepparent** of the child,

- ◊ A copy of the child's **birth certificate[11]** showing the child's name and the names of both parents

- A copy of civil [marriage certificate](#)[2] showing the names of both parents, or proof that a parent/child relationship exists or existed (if you are petitioning for a stepchild, your marriage to the child's parent must take place before the stepchild's 18th birthday)
- A copy of any divorce decrees, death certificates, or annulment decrees that establish the termination of any previous marriages entered into by you or your spouse
- Fathers petitioning for a child born out of wedlock must provide evidence that a parent/child relationship exists or existed. For example, the child's [birth certificate](#)[11] displaying the father's name, evidence showing that the father and child at some point lived together, or that the father held out the child as his own, or that he has made financial contributions in support of the child, or that in general his behavior evidenced genuine concern for and interest in the child. However, if the law of your or your child's residence considers the child legitimated, you do not need to provide additional information. A blood test proving paternity may also be necessary.

If you are a **U.S. Citizen** and the **adoptive parent** of a child/son/daughter or if you are a **lawful permanent resident adoptive parent** of the **child or unmarried son or daughter**,

- A copy of the child's [birth certificate](#)[11] showing the child's name
- A certified copy of the final adoption decree (the adoption must have taken place before the child reached the age of 16, with only one exception: if you adopted the child's sibling who had not yet reached age 16, the older sibling must have been adopted before reaching the age of 18)
- The legal custody decree if you obtained custody of the child before adoption
- A statement showing the dates and places your child has lived with you, and proof that your child has lived with you and has been in your physical custody for at least two years. Physical custody means the child was living with you and you were exercising primary parental control

C. A brother or sister ([sibling](#)[12]):

*Note: If either you or your sibling were **born out of wedlock** (your birth parents were not married when you were born), you must provide evidence that you took the actions necessary to satisfy the legitimation law of the birth country of the person born out of wedlock while the individual was under 18 years of age and unmarried.*

Legitimation laws require fathers to legally acknowledge their children. Refer to the sections on legitimated children out of wedlock.

If you have the **same mother** as your brother or sister,

- A copy of your [birth certificate](#)[11] showing your name and your mother's name
- A copy of your brother's or sister's [birth certificate](#)[11] showing his or her name and your mother's name

If you have the **same father but different mothers**,

- A copy of your [birth certificate](#)[11] showing your name and your father's name
- A copy of your brother's or sister's [birth certificate](#)[11] showing his or her name and your father's name
- A copy of your father's [marriage certificate](#)[2] to each mother
- A copy of any divorce decrees, death certificates, or annulment decrees showing that any previous marriages entered into by your parents or your sibling's parents ended legally

If **you** were **and/or your brother or sister** was born out of wedlock, and you are **related through your father** and were **legitimated**,

- A copy of your [birth certificate](#)[11] showing your name
- A copy of your brother's or sister's [birth certificate](#)[11] showing his or her name Evidence that the person who was born out of wedlock was legitimated before reaching the age of 18 and while unmarried through
 - a. the marriage of that person's natural parents
 - b. the laws of your or your brother's or sister's country of residence or domicile, or
 - c. the laws of the father's country of residence or domicile

If **you** were **and/or your brother or sister** was **born out of wedlock and not legitimated**, and you are **related through your father**,

- A copy of your [birth certificate](#)[11] showing your name
- A copy of your brother's or sister's [birth certificate](#)[11] showing his or her name
- Evidence that an emotional or financial bond existed between your father and the child who was born out of wedlock (either you or your brother or sister or both of you) before that child was married or reached the age of 21

If you are filing for your **stepbrother** or **stepsister**,

- Your [birth certificate](#)[11] showing your name and your common parent's name (if your father married your step sibling's mother, your father's name must be visible on the birth certificate; if your mother married your step sibling's father, your mother's name must be visible on the birth certificate)
- A copy of your stepbrother's or stepsister's [birth certificate](#)[11] showing his or her name and your common parent's name (see above)
- If your step sibling is or has been married, you must provide evidence of the marriage(s) in order to prove that your step sibling was once a "child" of the stepparent
- A copy of the civil [marriage certificate](#)[2] of your natural mother to your natural father and your step sibling's natural mother to his or her natural father

- Proof that any previous marriages entered into by your and your step sibling's father and mother ended legally (this could include copies of divorce decrees, death certificates, or annulment decrees)
- A copy of the civil [marriage certificate](#)[2] between a) your father and your stepmother or b) your mother and your stepfather, whichever is applicable

If you are filing for your **stepbrother** or **stepsister** and **you were and/or your step sibling was born out of wedlock**, and you are **related through your father**, and the child born out of wedlock was **legitimated**,

- Your birth [certificate](#)[11] showing your name and your father's name
- A copy of your stepbrother's or stepsister's [birth certificate](#)[11] showing his or her name and your father's name
- Evidence that you were and/or your step sibling was legitimated before reaching the age of 18 and while still unmarried through:
 - a. the marriage of that person's natural parents
 - b. the laws of your or your stepbrother's or stepsister's country of residence or domicile, or
 - c. the laws of your father's residence or domicile

If you are filing for your **stepbrother** or **stepsister** and **you were and/or your step sibling was born out of wedlock and not legitimated**,

- Your [birth certificate](#)[11] showing your name and your common parent's name (if your father married your step sibling's mother, your father's name must be visible on the birth certificate; if your mother married your step sibling's father, your mother's name must be visible on the birth certificate)
- A copy of your stepbrother's or stepsister's [birth certificate](#)[11] showing his or her name and your common parent's name (see above)
- A copy of the [marriage certificate](#)[2] between a) your father and your stepmother, or b) your mother and your stepfather, whichever is applicable (the date of the marriage must be prior to the date on which the child who was born out of wedlock reached the age of 18 or was married)
- Proof that any previous marriages entered into by your or your step sibling's father or mother ended legally (this could include copies of divorce decrees, death certificates, or annulment decrees)
- Proof that a bona fide parent-child relationship existed between your common parent and the child who was born out of wedlock before that child reached the age of 21 or was married

You do not need to file separate visa petitions for your brother's or sister's spouse or his/her unmarried children under 21 years of age. They may accompany or follow to join your brother and sister. This includes adopted children who fit the definition of adopted child in the immigration law (101(b)(1)(E) but not (F)).

- D. **A mother:** Submit a copy of your [birth certificate](#)[11] showing your name and your mother's name. If you have been legally adopted, you **may not** petition for your birth parent.
- E. **A father:** Submit a copy of your [birth certificate](#)[11] showing your name and the names of both parents. Submit additional documents, depending upon your situation, as described below:

Born in wedlock: Also give a copy of your parents' [marriage certificate](#)[2] establishing that your father was married to your mother before you were born, and copies of documents (divorce decrees, death certificates, or annulment decrees) showing that any prior marriages of either your father or mother were legally terminated.

Born out of wedlock and not legitimated: If you were born out of wedlock and were not legitimated by your father before your 18th birthday and while you were unmarried, you must submit:

- Evidence of the father-son or -daughter relationship.
- Evidence that an emotional or financial bond existed between you and your father before you were married or reached the age of 21, whichever came first.

Born out of wedlock and legitimated: If you were born out of wedlock and were legitimated by your father before your 18th birthday and while you were unmarried, you must submit evidence that you were legitimated before your 18th birthday through:

- a. the marriage of your both parents, or
- b. the laws of the state or country where you live or were born, or
- c. the laws of the state or country where your father lives or was born

If you have been legally adopted, you **may not** petition for your birth parent.

F. **Stepparent:**

- A copy of your [birth certificate](#)[11] showing your name and the names of your birth parents
- A copy of the civil [marriage certificate](#)[2] of your birth parent to your stepparent showing that the marriage occurred before your 18th birthday
- A copy of any divorce decrees, death certificates, or annulment decrees that would verify the termination of any previous marriage(s) entered into by your birth parent or stepparent

G. **Adoptive parent:**

- A copy of your [birth certificate](#)[11] showing your name

- ◊ A certified copy of the adoption decree, showing that the adoption occurred before your 16th birthday
- ◊ A sworn statement showing the dates and places you have lived together with your parent
- ◊ If you adopted the sibling of a child you already adopted, you must submit a copy of the adoption decree(s) showing that the adoption of the sibling occurred before that child's 18th birthday.
- ◊ 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 two years before or after the 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 two-year legal custody requirement.

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