

INSTRUCTIONS

Read the instructions carefully. If you need extra space to answer, attach a continuation sheet, indicate the item number, and date and sign the sheet.

1. Who can file?

- A. You are a United States citizen, and
- B. You and your fiancé(e) are both free to marry, and have met in person within two years before filing this petition unless:
 - 1) The requirement to meet your fiancé(e) in person would violate strict and long-established customs of your or your fiancé(e)'s foreign culture or social practice; or
 - 2) It is established that the requirement to personally meet your fiancé(e) would result in extreme hardship to you; and
- C. You and your fiancé(e) intend to marry within 90 days of your fiancé(e) entering the United States.

NOTE: Unmarried children of your fiancé(e) who are under 21 years old and are listed on this form will be eligible to apply to accompany your fiancé(e).

2. What documents do you need?

You must give INS certain documents with this form to show you are eligible to file.

- A. For each document needed, give INS the original and one copy. However, because it is against the law to copy a Certificate of Naturalization or a Certificate of Citizenship, give INS the original only. Originals will be returned to you.
- B. If you do not wish to give the original document, you may give INS a copy. The copy must be certified by:
 - 1) an INS or U.S. consular officer, or
 - 2) an attorney admitted to practice law in the United States, or
 - 3) an INS accredited representative (INS may still require originals).
- C. 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.

3. What documents do you need to show you are a United States citizen?

- A. If you were born in the United States, give your birth certificate.
- B. If you were naturalized, give INS your original Certificate of Naturalization.
- C. If you were born outside the United States and you are a U.S. citizen through your parents, give INS:
 - 1) your original Certificate of Citizenship, or
 - 2) your form FS-240 (Report of Birth Abroad of a United States Citizen).
- D. In place of any of the above, you may give INS your valid unexpired U.S. passport that was initially issued for at least 5 years.

E. If you do not have any of the above and were born in the United States, see instruction under item 8, “What if a document is not available?”

4. What documents do you need to prove you can legally marry?

You must prove that you can legally marry your fiancé(e).

A. If either of you is of an age that required special consent or permission for you to marry in the jurisdiction in which your marriage will occur, give proof of that consent or permission.

B. If either of you has been previously married, give INS documents to show that all previous marriages were legally ended. In cases where the names shown on the supporting documents have changed, give INS legal documents to show how the name change occurred (for example, a marriage certificate, adoption decree, court order, etc.)

5. What other documents do you need?

A. Give INS a color photo of you and one of your fiancé(e), taken within 30 days of the date of this petition. These photos must have a white background. They must be glossy, un-retouched, and not mounted. The dimension of the facial image should be about 1 inch from chin to top of hair in 3/4 frontal view, showing the right side of the face with the right ear visible. Using pencil or felt pen, lightly print name (and Alien Registration Number, if known) on the back of each photograph.

B. Give a completed and signed Form G-325A (Biographic information) for you and one for your fiancé(e). Except for the name and signature, you do not have to repeat on the Biographic Information forms the informative given on your I-129F.

6. What if a document is not available?

If the documents needed are not available, you can give INS the following instead. (INS may require a statement from the appropriate civil authority certifying that the needed document is not available.)

A. Church record: A certificate under the seal of the church where the baptism, dedication, or comparable rite occurred within two months after birth, showing the date and place of child’s birth, the date of the religious ceremony, and the names of the child’s parents.

B. School record: A letter from the authorities of the school attended (preferably the first school), showing the date of admission to the school, child’s date and place of birth, and the names and places of birth of parents, if shown in the school records.

C. Census record: State or federal census record showing the name, place of birth, and 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 persons making the affidavits need not be citizens of the United States. 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 knowledge of the event.

7. How should you prepare this form?

- A. Type or print legibly in ink.
- B. If extra space is needed to complete any item, attach a continuation sheet, indicate the item number, and date and sign each sheet.
- C. Answer all questions fully and accurately. If any item does not apply, please write "N/A".

8. Where should you file this form?

- A. If you live in the United States, send the form to the INS Regional Service Center that has jurisdiction over where you live.
- B. If you live outside the United States, contact the nearest American Consulate to find out where to send or take the completed form.

9. What is the fee?

You must pay seventy five dollars (\$75.00) to file this form. **The fee will not be refunded, whether the petition is approved or not. DO NOT MAIL CASH.** All checks or money orders, whether U.S. or foreign, must be payable in U.S. currency at a financial institution in the United States. When a check is drawn on the account of a person other than yourself, write your name on the face of the check. If the check is not honored, INS will charge you \$5.00. Pay by check or money order in the exact amount. Make the check or money order payable to "Immigration and Naturalization Service". However, A. If you live in Guam: Make the check or money order payable to "Treasurer, Guam", or

- B. If you live in the U.S. Virgin Islands: Make the check or money order payable to "Commissioner of Finance of the Virgin Islands."

10. How does your alien fiance(e) get his or her permanent resident status?

Your alien fiance(e) may apply for conditional permanent resident status after you have entered into a valid marriage to each other performed within ninety days of your fiance(e)'s entry into the United States. Your new spouse should apply promptly to the Immigration and Naturalization Service for adjustment of status to conditional permanent residence using Form I-485. He or she will be a conditional permanent resident for a two-year period which begins on the date that he or she adjusts to conditional status. The rights, privileges, responsibilities and duties which apply to all other permanent residents apply equally to a conditional permanent resident. For example, a conditional permanent resident has the right to apply for naturalization, under certain conditions, to file petitions in behalf of qualifying relatives, or to reside permanently in the United States an immigrant in accordance with the immigration laws.

11. How does your conditional permanent resident spouse become a lawful permanent resident without conditions?

Both you and your conditional permanent resident spouse are required to file a petition, Form I-751, Joint Petition to Remove the Conditional Basis of Alien's Permanent

Resident Status, during the ninety day period immediately before the second anniversary of the date your alien spouse was granted conditional permanent residence. Children who have been admitted as conditional permanent residents may be included in the joint petition to remove conditions.

FAILURE TO FILE FORM I-751, JOINT PETITION TO REMOVE THE CONDITIONAL BASIS OF ALIEN'S PERMANENT RESIDENCE STATUS, WILL RESULT IN TERMINATION OF PERMANENT RESIDENCE STATUS AND INITIATION OF DEPORTATION PROCEEDINGS.

12. What are the penalties for committing marriage fraud or submitting false information 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. Title 8, United States Code, Section 1325 states that any individual 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.

13. What is our authority for collecting this information?

We request the information on this form to carry out the immigration laws contained in Title 8, United States Code 1184(d). We need 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 this Service. You do not have to give this information. However, if you refuse to give some or all of it, your petition may be denied.

14. What is the Reporting Burden?

Public reporting burden for this collection of information is estimated to average 30 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. Department of Justice, Immigration and Naturalization Service (Room 5304), Washington, D.C. 20536; and to the Office of Management and Budget, Paperwork Reduction Project, OMB No. 1115-0054, Washington, D.C. 20503.

It is not possible to cover all the conditions for eligibility or to give instructions for every situation. If you have carefully read all the information and still have questions, please contact your nearest INS office.