

WARNINGS!

When filing Form I-130, Petition for Alien Relative



This form is used when 1 family member (“Petitioner”) files to immigrate another family member (“Beneficiary”) to the U.S.

Before you file this Petition, carefully read the warnings listed below.

HAS YOUR FAMILY MEMBER EVER BEEN ORDERED DEPORTED OR REMOVED FROM THE U.S.?

If your family member has been ordered deported or removed from the U.S. and has never left, you should not file a petition for them on your own. Filing a petition for them could cause the government to enforce the deportation order, and remove your family member from the U.S. You should seek legal advice before doing anything.

Was your family member deported, and later came back to the U.S. without permission? If yes, you should not file a petition for your relative. Filing a petition could cause the government to reinstate their deportation order, and remove them from the U.S. You should seek legal advice before filing anything.

HAS YOUR FAMILY MEMBER EVER BEEN ARRESTED BY THE IMMIGRATION SERVICE?

If your family member has ever been arrested by the Immigration Service, Border Patrol, or Immigration & Customs Enforcement (ICE), you should get legal advice before filing a petition. This includes being stopped at the border when trying to enter the U.S. Your family member may have a deportation order, and not even know it. You should seek legal advice before you file anything.

IF YOU ARE FILING FOR A SPOUSE, ARE YOU LEGALLY MARRIED?

If either you or your spouse were married before, those marriages must be legally terminated before you can file for a new spouse. For a marriage to be legally terminated, it must have been annulled, ended in divorce, or your prior spouse passed away.

Your marriage must be a legal union, recognized by the government.

Multiple marriages are not recognized in the U.S. Under U.S. law, you can only be lawfully married to 1 person at a time. You can only lawfully file for your first spouse. You cannot file for subsequent spouses unless your previous marriages have been legally terminated.

IF YOU ARE FILING FOR A CHILD, HAS THE CHILD BEEN LEGALLY RECOGNIZED AS YOUR CHILD?

If the child is adopted, you must show proof that you went through a legally recognized adoption process. The adoption must have taken place before the child's 16th birthday.

If you are the child's stepparent, you must have married the child's natural parent before the child's 18th birthday.

If the child is your biological child, their birth must be legitimate in the country the child was born in. If the biological mother and father were married at the time of birth, the birth is automatically legitimate. If the father and mother were not married, the father must show proof that he is the biological father (such as a birth certificate or paternity test), as well as proof that he has had a relationship with the child.

DO YOU OR YOUR FAMILY MEMBER HAVE A CRIMINAL HISTORY?

Unresolved criminal issues, such as outstanding warrants, or failure to show up for court, could put you or your family member at risk. Although fingerprints are not usually taken when you file an I-130 petition, there are other ways that this information can be found. Seek legal advice before you file anything.