

**I-181 Creation of Record for NAI born in Canada under  
Section 289 INA  
PROCESSING CHECKLIST**

**\*\*\* FILE MUST CONTAIN COPYS OF ALL DOCUMENTS \*\*\***

- \_\_\_ COPY OF TRIBAL RECORD OF APPLICANT INDICATES 50% OR MORE BLOOD QUANTUM - ALSO INDICATES BIRTH PARENTS AND THEIR BLOOD QUANTUM.
- \_\_\_ COPY OF APPLICANTS LONG FORM BIRTH CERTIFICATE
- \_\_\_ COPY OF IDENTIFICATION (status card, drivers license, passport).
- \_\_\_ 3 PHOTOS (FRONTAL VIEW/PASSPORT SIZE)
  - use one for temporary I-551 if they don't have a passport
- \_\_\_ CIS CHECK (check for previously issued A#. If found, DO NOT open new A-file.)
- \_\_\_ OPEN "A" FILE (see Supervisor or Enforcement Officer for this)
- \_\_\_ IBIS CHECKS
- \_\_\_ I-181 FORM COMPLETED
  - Get good mailing address as USPS will not forward I-551 card
- \_\_\_ I-89 FORM COMPLETED
- \_\_\_ COMPLETE TWO BLUE FD-258 FINGERPRINT CARDS FOR FILE.  
(AGE 14 OR OLDER ONLY)
- \_\_\_ ISSUE TEMPORARY I-551 (VALID FOR ONE YEAR) or ADIT STAMP THEIR PASSPORT
  - Be sure to put A# on Temp I-551/Passport
- \_\_\_ SUPERVISOR MUST REVIEW PRIOR TO MAILING
  - Include copies of all supporting materials in the file, placing the I-181 on top
- \_\_\_ PORT COPY FOR AUDIT/SIPS. These are stored in Admin Sup's office

**A Supervisor or Enforcement Officer will send the completed file to the USCIS Records Office in Detroit (charge to RC0042 in NFTS.) The Records Office will send the file for card production and then storage at the NRC.**



**U.S. Citizenship and  
Immigration Services**

## Green Card for an American Indian Born in Canada

American Indians born in Canada (with at least 50% American Indian blood) cannot be denied admission to the United States. However, a record of admission for permanent residence will be created if an American Indian born in Canada wishes to reside permanently in the United States.

If you live outside the United States and are seeking to enter the United States, you must tell the Customs and Border Protection officer that you are an American Indian born in Canada and provide documentation to support your claim. You must also state that you are seeking to enter to reside permanently in the United States.

If you live in the United States and are an American Indian who is born in Canada and who possesses at least 50% American Indian blood, you may obtain a Permanent Resident Card (green card) by requesting a creation of record.

### Eligibility Criteria

You may be eligible to receive a green card (permanent residence) as an American Indian born in Canada if you:

- Have 50% or more of blood of the American Indian race
- Were born in Canada

You must have proof of this ancestry based on your familial blood relationship to parents, grandparents, and/or great-grand parents who are or were registered members of a recognized Canadian Indian Band or U.S. Indian tribe.

You cannot apply for permanent residence if your tribal membership comes through marriage or adoption.

### Steps for Requesting a Creation of Record

1. You must schedule an Infopass appointment and appear in person at your local USCIS office. You do not have to fill out an application form or pay a fee to request a creation of record.
2. Bring the following to your appointment:
  - Two passport-style photos
  - Copy of government issued photo identification



- Copy of your long form Canadian birth certificate (the long form Canadian birth certificate of parents is necessary to establish lineage to claimed tribal ancestors, as well as birth in Canada)
- Documentation to establish membership, past or present, in each Band or tribe for yourself and every lineal ancestor (parents and grandparents) through whom you have derived the required percentage of American Indian blood. This documentation must come from the official tribal government or from Indian and Northern Affairs Canada (INAC)

If you do not have documentation establishing your past or present membership in each Band or tribe for yourself and every lineal ancestor from the official tribal government, you may bring:

- Documentation from the Canadian or United States Government
- Original Letter of Ancestry issued by INAC

**Please note:**

1. All documentation submitted for consideration and submission into the record must be in the form of clear legible photocopies of the originals. Documentation or information in any language other than English must be accompanied by a full English translation.
2. Letters or identification cards issued by Metis associations or other third parties, by themselves, cannot definitively establish your American Indian blood percentage in reference to a specific Canadian Indian Band or U.S. Indian tribe.

**Recognized Canadian Indian Bands and U.S. Indian Tribes**

The Band is the fundamental legal unit of tribal organization for Canadian Indian tribes. Your documentation should clearly indicate which Canadian Indian Band(s) or U.S. Indian tribe(s) with which you or your lineal ancestor(s) are or were affiliated.

Under the links below, you can find a complete list of:

- [Federally recognized Canadian Indian Bands](#)
- [Recognized U.S. Indian tribes \(PDF\)](#)

**Relevant Statute & Regulations**

*INA § 289 [8 U.S.C. § 1359]. Application to American Indians born in Canada.*

Nothing in this title shall be construed to affect the right of American Indians born in Canada to pass the borders of the United States, but such right shall extend only to persons who possess at least 50 per centum of blood of the American Indian race.

*8 CFR § 289.1. Definition.*

The term "American Indian born in Canada" as used in section 289 of the Act includes only persons possessing 50 per centum or more of the blood of the American Indian race. It does not include a person who is the spouse or child of such an Indian or a person whose membership in an Indian tribe or family is by adoption.

*8 CFR § 289.2. Lawful admission for permanent residence.*

Any American Indian born in Canada who at the time of entry was entitled to the exemption provided for such person by the Act of April 2, 1928, (45 Stat.401), or section 289 of the Act, and has maintained residence in the United States since his entry, shall be regarded as having been lawfully admitted for permanent residence.

**Family of American Indians Born in Canada**

Your spouse and unmarried children under the age of 21 (known as "derivatives") are not eligible to receive permanent residence based on your status. If they are American Indians born in Canada, with 50% Indian blood, they may become permanent residents on their own. If they are not American Indians born in Canada, you may file a Form I-130, Petition for Alien Relative, after you obtain proof that you are a permanent resident of the United States.

Last Reviewed/Updated: 02/28/2011