

**Family-based Green Cards:** Obtaining a Green Card through Relatives is one possible option for individuals who have close relatives or family members in the United States. Family members may be eligible to apply for permanent residence (Green Card) if the sponsoring relative is a United States citizen. The process of completing and submitting an application for a Green Card for your relatives can be both costly and confusing.

You can become a lawful permanent resident based on the fact that you have a relative who is a citizen of the United States. The Immigration and Nationality Act allows for the immigration of foreigners to the United States based on relationship to a U.S. citizen or legal permanent resident.

The *Green Card* through Relatives Application Guide makes the application process easy to understand.

### Eligibility for Family Based Green Card

- Husband or wife
- Unmarried child under 21 years old
- Unmarried son or daughter over 21
- Married son or daughter of any age
- Brother or sister if you are at least 21 years old
- Parent, if you are at least 21 years old
- Widow or widower of a U.S. citizen
- Stepson or stepdaughter
- Stepparent of a U.S. citizen child
- Adopted son or daughter
- Adopted parent
- Battered or abused spouse or child

### Family-Based Immigration Categories

The Immigration and Nationality Act allows for the immigration of foreigners to the United States based on relationship to a U.S. citizen or legal permanent resident. Family-based immigration falls under two basic categories: unlimited and limited.

#### **UNLIMITED FAMILY-BASED**

- Immediate Relatives of U.S. Citizens (IR): The spouse, widow(er) and unmarried children under 21 of a U.S. citizen, and the parent of a U.S. citizen who is 21 or older.
- Returning Residents (SB): Immigrants who lived in the United States previously as lawful permanent residents and are returning to live in the U.S. after a temporary visit of more than one year abroad.

#### **LIMITED FAMILY-BASED**

- Family First Preference (F1): Unmarried sons and daughters of U.S. citizens, and their children, if any. (23,400)
- Family Second Preference (F2): Spouses, minor children, and unmarried sons and daughters (over age 20) of lawful permanent residents. (114,200) At least seventy-seven percent of all visas available for this category will go to the spouses and children; the remainder will be allocated to unmarried sons and daughters.

- Family Third Preference (F3): Married sons and daughters of U.S. citizens, and their spouses and children. (23,400)
- Family Fourth Preference (F4): Brothers and sisters of United States citizens, and their spouses and children, provided the U.S. citizens are at least 21 years of age. (65,000)

### Apply Process

#### **U.S. citizen files the following items with the INS:**

- I-130 Petition for an Alien Relative (\$110)
- Proof of relationship to alien relative (e.g., marriage certificate, birth certificate)
- I-864 Affidavit of support (no fee) requires the immigrant's sponsor to demonstrate an income level at or above 125 percent of the federal poverty line.
- U.S. citizen's proof of citizenship (e.g., passport, birth certificate)

Once INS receives your packet of information, it will be approved or denied. Once the petition is approved, they will send the petitioner a notice of approval, form I-797. INS will also forward the approved petition to the Immigrant Visa Processing Center, which will contact the intending immigrant with further information.

### Limitations

Whenever there are more qualified applicants for a category than there are available numbers, the category will be considered oversubscribed, and immigrant visas will be issued in the chronological order in which the petitions were filed until the numerical limit for the category is reached. The filing date of a petition becomes the applicant's priority date. Immigrant visas cannot be issued until an applicant's priority date is reached. In certain heavily oversubscribed categories, there may be a waiting period of several years before a priority date is reached. Check the State Department's Visa Bulletin for the latest priority dates.

Obtaining an immigrant visa can be a complicated process and may not always end with the desired result. While it is possible to obtain such visas successfully on your own, you may wish to save time and effort by hiring a qualified and experienced immigration lawyer. Our Find-a-Lawyer feature can put you in touch with an experienced attorney right now.