

I. FAMILY BASED IMMIGRATION FOR MARRIED SONS AND DAUGHTERS OF U.S. CITIZENS

This category is for Married sons and daughters of a U.S. citizen who are over the age of 21 years or older. The parent, who is a U.S. citizen, may petition their married adult sons and daughters for green cards under this preference category although they no longer qualify as immediate family members of the U.S. citizen parents for the reason that they are not children anymore or they are not below 21 years of age anymore. Also, because these individuals are now married puts them at a disadvantage because the waiting times for this category puts them at a disadvantage had they only chose to not marry since the waiting times for the first category are much less than this category (“F3” category).

There are 23,400 annual visas assigned to this category plus any unused visa by the fourth preference category. There is a waiting list for this category because of this limit. The married sons and daughters of the U.S. citizens from most countries including China and India, should expect to wait for about eleven years after filing the first petition. While, those from the Philippines and Mexico should count on a minimum twenty year wait.

The spouse and children (below 21 years of age and not married) of the married son or daughter of a U.S. citizen are qualified to obtain derivative permanent resident status (green card) when their son or daughter obtains their green card. They may also accompany the son or daughter and remain in the United States.

The U.S. citizen parent must petition for his or her married adult son or daughter. Upon filing of the petition, the U.S. Citizenship and Immigration Services (“USCIS”) will issue a priority date. Once the priority date has been reached, informing that a visa is available for this category, the son and daughter, together with their immediate family, may apply for permanent residency through consular processing abroad at a U.S. Embassy or Consulate.

To find out more about the procedural steps involved and an estimate of fees, call or email us today for your free in-depth consultation!