

V. FAMILY BASED IMMIGRATION FOR BROTHERS AND SISTERS OF U.S. CITIZENS (SIBLINGS)

This fourth family-sponsored preference is set aside for brothers and sisters of a U.S. citizen. The U.S. citizen must be at least 21 years of age to sponsor his or her brothers and sisters for permanent residency under this preference category. The terms “brothers and sisters” are those that meet the definition of being a child from one or both parents. Half siblings are considered brothers and sisters and may petition for permanent residence for one another. Adopted brothers or sisters are considered brothers and sisters and may petition for permanent residence for one another if the adoption relationship was formed before they were 16 years old. Step brothers or sisters are considered brothers and sisters and may petition for permanent residence for one another if the step relationship was formed before they were 18 years old. Siblings who have been adopted by another family in accordance with INA section 101(b)(1)(E) are not considered brothers and sisters for immigration purposes and therefore, cannot petition for their natural siblings.

The number of permanent residents in this category is limited to 65,000 per year, plus any unused visas by the first three preferences. Because of its limit, there is a very long waiting list for this preference category and the waiting time is unstable.

The spouse and children (below 21 years of age and not married) of the brothers and sisters of a U.S. citizen are qualified to obtain derivative permanent resident status (green card) when the brother or sister of the U.S. citizen obtains their permanent residency.

To petition to bring your brother or sister to live in the United States as green card holder, you must be a U.S. Citizen and at least 21 years of age. Permanent residents may not petition to bring siblings to live permanently in the United States.

There are two steps in this preference category. First, the U.S. citizen sibling petitions the brother or sister. When petition has been filed, the USCIS will then issue a priority date. And once the priority date is reached, informing that a visa is available for this category, the brother or sister, together with their immediate family, may then proceed to the second step. The brother or sister may adjust their status if they are legally in the United State. But if they are outside of the United States, then they would have to apply through consular processing.

To complete the process successfully, the US citizen petitioner (also known as sponsor) must submit a completed Form I-130 (you do not need to file a separate Form I-130 for your sibling's spouse or unmarried children under the age of 21) AND Evidence that you are a U.S. citizen. To show citizenship provide either a copy of your valid U.S. passport, U.S. birth certificate, Consular Report of Birth Abroad, naturalization certificate or a Certificate of Citizenship. You need to also submit a copy of your birth certificate and a copy of your sibling's birth certificate showing that you have at least one common parent.

Below are the additional documents for Siblings through Adoption, Step Parents or Paternal Half-Siblings:

If you and your sibling are related through adoption, please also submit: a copy of the adoption decree(s) showing that the adoption took place before you or your sibling (the adopted child) became 16 years old.

If you and your sibling are related through a step-parent, please also submit: copies of documents showing that any prior marriage(s) of the natural parent and/or step-parent were legally terminated; and a copy of the marriage certificate of the step-parent to the natural parent (age restrictions for meeting definition of step-child apply).

If you and your sibling have a common (biological) father but different mothers (you are paternal half-siblings), please also submit: copies of the marriage certificates of the father to each mother; and copies of documents showing that any prior marriages of either your father or mothers were legally terminated.

Note: If your name or your sibling's name has changed, please include proof of the legal name change (may include marriage certificate, divorce decree, adoption decree, court judgment of name change, etc.)

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!