

INTRODUCTION TO FAMILY-BASED IMMIGRATION

Under U.S. immigration law, either a U.S. citizen or a permanent resident (green card holder) have the right to let certain foreign-born family members immigrate to the United States. This however, is not instant, a length of time is needed.

You will need to start the process by proving your family relationship. If you are not "immediate relatives," your family members will have to wait until a visa (green card) is available in their category which will take months or years.

There are two groups of family primarily based migrant visa categories:

Immediate Relative Immigrant

These visa types are based on a close family relationship with a United States (U.S.) citizen described as an Immediate Relative. The number of immigrants in these categories is not limited each fiscal year. Immediate relative visa types include: Husband or Wife of a U.S. Citizen; Unmarried Child Under 21 Years of Age of a U.S. Citizen; Orphan adopted abroad by a U.S. Citizen; Orphan to be adopted in the U.S. by a U.S. citizen; and Parent of a U.S. Citizen who is at least 21 years old.

Family Preference Immigrant Visas

These visa types are for specific, more distant, family relationships with a U.S. citizen and some specified relationships with a Lawful Permanent Resident (LPR). There are fiscal year numerical limitations on family preference immigrants, shown at the end of each category. The family preference categories are: Family First Preference: Unmarried sons and daughters of U.S. citizens, and their minor children, if any; Family Second Preference: Spouses, minor children, and unmarried sons and daughters (age 21 and over) of LPRs. At least seventy-seven percent of all visas available for this category will go to the spouses and children; the remainder is allocated to unmarried sons and daughters; Family Third Preference: Married sons and daughters of U.S. citizens, and their spouses and minor children; Family Fourth Preference: Brothers and sisters of U.S. citizens, and their spouses and minor children, provided the U.S. citizens are at least 21 years of age.

Note: Grandparents, aunts, uncles, in-laws, and cousins cannot sponsor a relative for immigration.

As you will see on the pages contained on this website, the application process for family-based immigration is summarized as follows. The family member that qualified to be a sponsor will need to take multi-step application process.

First, the U.S. Citizen or Permanent Resident files visa petition. This is to prove your interest in helping your immediate family or preference relative to immigrate. Next, if filing through one of the preference categories, you will be on a waiting list and given what is known as a priority date. Please note that the priority date is for the preference categories only, the four categories where only limited numbers of immigrant visas are given out each year. That applies to almost everyone except the immediate relatives of U.S. citizens and certain highly qualified workers.

Second, if the U.S. Citizenship and Immigration Services ("USCIS") makes a favorable decision on the visa petition, it will forward the immigrant's case file to the National Visa Center (NVC) for further processing. At this time the immigrant should submit an application for permanent residence. This can be typically done by applying for an immigrant visa at a U.S. consulate outside the United States.

To find out more details about the family-based immigration process, please consult the other pages on this site dealing with immediate relatives and preference categories.