

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

This category is for unmarried sons and daughters of a U.S. citizen who are over the age of 21 years or older. Unmarried includes individuals who were never married, divorced, and widowed. The parent, who is a U.S. citizen, may petition their unmarried 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.

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 unmarried sons and daughters of the U.S. citizens from most countries should expect to wait for about seven years after filing the first petition. While, those from the Philippines, Mexico, Dominican Republic, China, and India may have to wait much longer.

The age and marital status of your children are important factors in the immigration process. For immigration purposes, a “Child” is defined as being unmarried and under 21 years of age, while “a son or daughter” is defined as being married and/ or 21 years of age or over.

The spouse and children (below 21 years of age and not married) of the unmarried 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.

There are two steps for this application process.

The U.S. citizen parent must petition for his or her unmarried adult son or daughter. Once again, being unmarried means individuals who were never married, divorced, or widowed. 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 proceed as follows.

If the son or daughter is in the United States legally, then they may apply for permanent residency. This is done by first filing Form I-130, Petition for Alien Relative (signed with proper fee). You as the petitioner must include evidence of your U.S. citizenship in the form of a U.S. birth certificate, U.S. passport, Consular Report of Birth Abroad, naturalization certificate, or Certificate of Citizenship. A copy of a birth certificate showing the parent-son/daughter relationship is also required. Because it is highly unlikely that the adult son or daughter would be in current lawful status in the United States, most of these types of cases go 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!