

FBI- FAMILY BASED IMMIGRATION FOR CHILDREN OF U.S. CITIZENS

If you are a U.S. Citizen, you may petition your children who are unmarried and under the age of 21. A “child” is defined as: (a) a biological child born in wedlock; (b) a biological child born out of wedlock. Concerning whether or not a child out of wedlock is a “child” note the following points: if the mother is petitioning, no legitimation is required; if the father is petitioning, legitimation is required in accordance with the laws of the father or child's place of residence; if the father is petitioning and the relationship is not legitimated under applicable laws, a bona fide parent-child relationship must be shown to have existed prior to the child's 21st birthday and while the child was unmarried; (c) Step-child (marriage occurred before the child's 18th birthday); d) Adopted child if the child was adopted prior to age 16 and has resided in the legal and physical custody of the adoptive parent for two years prior to filing.

File Form I-130, Petition for Alien Relative (signed with proper fee). If you are a U.S. Citizen petitioning for your child (unmarried and under 21 years of age), then your child may file Form I-485, Application to Register Permanent Residence or Adjust Status, at the same time that you file Form I-130. Include evidence of your US citizenship in the form of copy of your U.S. birth certificate OR copy of your valid U.S. passport OR copy of Consular Report of Birth Abroad OR copy of your naturalization certificate OR copy of your certificate of citizenship. If you have changed your name or your child's, proof of legal name change. This may include marriage certificate, divorce decree, adoption decree, court judgment of name change, etc.)

Another point is that you need to prove evidence of the child-parent relationship.

If you are the Biological mother, you must submit: a copy of your child's birth certificate issued by civil authorities.

If you are the Biological father, you must submit a copy of your child's birth certificate issued by civil authorities; a copy of your marriage certificate to the child's biological mother; if you and/ or the biological mother are no longer married, you must also submit evidence of the legal termination of that marriage through death, divorce, or annulment; if you never married the child's mother before the child turned 18: If the law of your and your child's residence considers the child legitimated, you do not need to provide additional information. If your child is not legitimated under the law, you must submit evidence that you established a bona fide father-child relationship prior to the child turning 21 or marrying- this should be evidence of emotional and/ or financial involvement in the child's life.

If you are a Step-parent (step-mother or step-father), you must also submit: a copy of your step-child's birth certificate issued by civil authorities; a copy of your civil marriage certificate to you step-child's biological parent; proof of the legal termination of all previous marriages for you and/ or the biological parent (divorce decree, death certificate, annulment decree)

If you are an Adoptive parent (adoptive mother or adoptive father), you must also submit a copy of child's original birth certificate; copy of the final adoption decree; evidence that you had 2 years of legal custody (this could have been awarded by a court prior to the final adoption decree);

evidence that you had 2 years of physical custody (this means the time during which the child was living with you and you were exercising primary parental control).

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!