

Green Card for an Immediate Relative of a U.S. Citizen

United States Permanent Resident Cards, also known as “**Green Cards**”, permits a foreign national to reside and get an employment in the country on a permanent basis without conferring U.S. Citizenship. Those individuals holding a Green card are allowed to live and get a permanent employment in the United States. There are several ways to be eligible for a Green Card. It is advised to learn about the different criteria of eligibility for Green Cards and to decide the best possible ways to prepare for your application. *The Green Card application process also depends whether the applicant is going to apply within the United States or from abroad.* What will be discussed here is one of the ways many foreign nationals confer permanent residency status, that is, through family-based immigration.

Family based immigration is becoming a U.S. permanent resident through certain family relations. Normally, a U.S. citizen (USC) or legal permanent resident (LPR) would file an immigration petition with the United States Citizenship and Immigrations Services (USCIS). This USC or LPR is called the Sponsor. The alien relative for whom the immigration petition is filed is called the Beneficiary.

Parents of U.S. citizens qualify as Immediate Relatives of U.S. citizens and therefore belong to the most preferred category for family based immigration. To qualify, the petitioning son or daughter of the U.S. citizen must be over 21 years of age.

There is no derivative status for immediate family members of a U.S. citizen. Each family member must have an immediate family member relationship with a U.S. citizen to be qualified to apply under the Family Based Immediate Category.

Before we begin on the journey of family-based immigration, it is important to note that there are two types of family-based immigration, those involving immediate relatives and then there is everybody else. An analogy might be if you are a member of a particular airline's elite or premier program. You might enjoy special privileges such as priority boarding and VIP treatment. Immediate relatives have special immigration priority and do not have to wait in line for a visa number to become available for them to immigrate because there are an unlimited number of visas for their particular categories.

The three types of immediate relatives are a spouse, child (unmarried child under the age of 21), parent (if the U.S. citizen is over the age of 21).

Applying for Permanent Residency while **INSIDE** the United States: An immediate relative relationship allows you to apply on Form I-485, Application to Register Permanent Residence or Adjust Status, to become a permanent resident at the same time your U.S. citizen petitioner files Form I-130, Petition for Alien Relative.

Applying for Permanent Residency while **OUTSIDE** the United States: If you are currently outside the United States and are an immediate relative of a U.S. citizen, you can become a permanent resident through consular processing. Consular processing is when USCIS works with

the Department of State to issue a visa on an approved Form I-130 petition when a visa is available. You may then travel on the visa and will officially become a permanent resident when admitted at a U.S. port of entry. The Department of State will notify you when you are eligible to apply for an immigrant visa. If you do not apply for an immigrant visa within one year following notification from the Department of State, your petition may be terminated.

The process goes something like this: Your U.S. citizen immediate relative files the Form I-130 for you and it must be either pending or approved. After you receive Form I-797, Notice of Action, showing that the Form I-130 has either been received by us or approved, then you may file Form I-485. When you file your I-485 application package, you must include a copy of the Form I-130 receipt or approval notice (the Form I-797).

Attention: Turning 21 Years Of Age

When an immediate relative child of a U.S. citizen reaches the 21 years of age, he or she generally will become a “first preference” (F1) category son or daughter (over 21 years of age) of a U.S. citizen, and will no longer have a visa immediately available. This change may result in a significant delay in adjustment of status or visa processing because he or she will now need to wait for an immigrant visa to become available.

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Child Status Protection Act. In certain cases, the Child Status Protection Act (CSPA) may allow you to retain the classification of “child” even if you have reached age 21. Generally, your age is “frozen” as of the date your U.S. citizen parent files Form I-130 for you.

Getting Married

If an immediate relative child under age 21 gets married, he or she can no longer be classified as an “immediate relative” and will become a “third preference” (F3) category married son or daughter of a U.S. citizen and a visa would no longer be immediately available. You must notify us of any change in your marital status after Form I-130 has been filed for you and prior to becoming a permanent resident or obtaining an immigrant visa.

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!