

FAMILY & MARRIAGE BASED IMMIGRATION PETITIONS/LOCAL USCIS PROCESSING/ ADJUSTMENT OF STATUS/CONSULAR PROCESSING

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This is the process by which U.S. citizens and permanent residents can request that permanent residency be granted for their immediate family members (parents, children, brothers and sisters), given that they can demonstrate that they can financially support them in the U.S.

WHO IS ELIGIBLE?

There are two categories of petitions: relatives of U.S. citizens and relatives of legal permanent residents.

Relatives of U.S. Citizens:

US citizens may file petitions on behalf of the following family members:

- Spouse;
- Parents (if citizen is at least 21 years of age);
- Married or unmarried children over 21 years of age and married children under 21 years of age, including stepchildren (unmarried children under 21 years of age are eligible for naturalization without having to go through the residency process); and
- Brothers and Sisters (if citizen is at least 21 years of age).

Estimated wait periods for residency to be available for:

- Spouse: 6-12 months (however, work permit is granted within 0 - 90 days)
- Parent: 6-12 months (however, work permit is granted within 0 - 90 days)
- Children over 21 years of age: 6-7 years
- Married child under 21 years of age: 6 years

Important disclaimer: the above estimates are based on our experience and for informational purposes only. They are subject to change depending on the location and volume of cases handled by a particular US Immigration Service center.

RELATIVES OF PERMANENT RESIDENTS:

Legal permanent residents may file petitions on behalf of the following family members:

- Spouse; and
- Unmarried children (including stepchildren)

The immediate family of the applicant is eligible to obtain permanent residency with all its benefits, at the same time the applicant receives his or her own permanent residency, if they are included in the petition at the time of making the adjustment of status.

If family members are not included in the resident's own petition at the time of filing, then the legal permanent resident must apply separately after receipt of his/her own residency and go through a waiting period before obtaining the green card for the family member.

Estimated wait periods for residency to be available for:

- Spouse: 5 years
- Unmarried child under 21: 5 years
- Unmarried child over 21: 9 years

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VISA DURATION

Once permanent residency is approved it will remain valid as long as the person continues to reside the majority of the time in the U.S. and complies with the legal conditions for permanent residency.

RENEWABILITY

Residency status never expires as long as you continue to meet the residency eligibility conditions as stated in your residency application. However, the green card (or evidence of permanent residency) expires every 10 years and it is recommended that it be renewed six months before expiration.

FAMILY BENEFITS

Permanent residency allows all family members to legally live, study and or work in the U.S.

WHAT IS THE PROCESS LIKE?

There are three different procedures depending upon the status of the petitioner, their relationship with the beneficiary and individual circumstances of the applicants.

Local US Immigration Service office process:

STAGE ONE:

- Prepare and file the appropriate forms and supporting documents with the local US Immigration Service office
 1. Form G-28
 2. Form I-181 (if required by the local US Immigration Service office)
 3. Form I-130
 4. Form G-325-petitioner
 5. Form G-325-beneficiary
 6. Form I-485
 7. Form I-485 A (only if beneficiary did not enter with a valid Visa)
 8. Form I-864 (Petitioner)
 9. Form I-864 (Additional Sponsor if petitioner's income doesn't qualify). This should be accompanied with evidence of citizenship or legal permanent residency
 10. Form I-765
 11. Form IRS-9003
 12. Form I-693 (medical examination by a US Immigration Service approved doctor)
- Obtain an Employment Authorization Document (Work Authorization Card) from the US Immigration Service if desired

STAGE TWO:

- Appear at the US Immigration Service support center for fingerprints on date scheduled by the US Immigration Service
- Prepare for the US Immigration Service interview if one is required and submit documents in support of the petition to the US Immigration Service
- Appear at the US Immigration Service office for an interview and obtain legal permanent residence (spouses of U.S. citizens get a conditional legal permanent residence if marriage is less than 2 years on date of interview)

STAGE THREE (FOR CONDITIONAL RESIDENCY ONLY):

If granted conditional permanent residency the alien must submit an additional petition to the US Immigration Service 90 days prior to the expiration of the conditional residency

ADJUSTMENT OF STATUS PROCESS:

STAGE ONE:

- Prepare and file the appropriate forms and supporting documents with the regional US Immigration Service center
 1. Form G-28
 2. Form I-130

3. Form G-325-petitioner
4. Form G-325-beneficiary
5. Supporting documents

- Obtain approved I-130 petition

STAGE TWO:

- Wait for green card availability (according to priorities specified in eligibility section)
- When a visa is available file I-485 (adjustment of status) petition with the local US Immigration Service office
 1. Form I-485
 2. Form I-485 A (only if beneficiary did not enter with a valid Visa)
 3. Form I-864 (Petitioner)
 4. Form I-864 (Additional Sponsor if petitioner's income doesn't qualify). This should be accompanied with evidence of citizenship or legal permanent residency
 5. Form I-765
 6. Form I-693 (a medical examination by a US Immigration Service approved doctor)
- Apply for work authorization (Work Authorization Card) if desired
- Appear at the US Immigration Service support center for fingerprints on date scheduled by the US Immigration Service
- Prepare for the US Immigration Service interview if one is required and submit documents in support of the petition to the US Immigration Service
- Appear at the US Immigration Service office for an interview and obtain legal permanent residence (spouses of U.S. citizens get a conditional

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CONSULAR PROCESS:

STAGE ONE:

Prepare and file the appropriate forms and supporting documents with the local US Immigration Service center

1. Form G-28
2. Form I-130
3. Form G-325-petitioner
4. Form G-325-beneficiary

STAGE TWO:

- Wait for green card availability (according to priorities specified in eligibility section)
- When a visa is available file I-485 (adjustment of status) petition with appropriate consulate office
 1. Form I-485
 2. Form I-485 A (only if beneficiary did not enter with a valid Visa)
 3. Form I-864 (Petitioner)
 4. Form I-864 (Additional Sponsor if petitioner's income doesn't qualify). This should be accompanied with evidence of citizenship or legal permanent residency
 5. Form I-693 (a medical examination by a US Immigration Service approved doctor)
- Appear at Consulate office for interview and obtain legal permanent residence (spouses of U.S. citizens get a conditional legal permanent residence if marriage is less than 2 years on date of interview)

NOTE: Consulate offices may have different procedures and requirements depending on country of location.

Stage Three:

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