



PETITIONING FOR A RELATIVE TO IMMIGRATE TO THE UNITED STATES



Each year, thousands of U.S. Citizens petition the U.S. government to permit a relative living overseas for a “green card” to enable them to immigrate to the United States and become a permanent resident alien. This can happen when a U.S. citizen marries a foreign national, but this process can also be done for a blood relative, such as a parent, or a child or a sibling of the U.S. citizen. In some cases, even a permanent resident alien can petition for their relative to immigrate.

Q: What is the process?

A: The petitioning sponsor will complete a U.S. Citizenship and Immigration (USCIS) form I-130 and submit it with accompanying documents. Those documents include birth certificates and marriage certificates, if applicable, along with another form, a USCIS form G-325A (Biographic Information), for the sponsor, and their relative. The sponsor will mail in the application and supporting documents to the address specified in the instructions, along with the filing fee. If the relative is living abroad, he or she will receive a notice to go the local U.S. embassy or consulate for an interview. If the relative receives permission to go to the United States, they can travel here and obtain their 2-year temporary residence card. After 2 years, they can apply for the permanent resident alien card, and remain in the United States, indefinitely. You can learn more about starting the process at <http://www.travel.state.gov/content/visas/english.html>.

Q: How long does this process take?

A: This varies, depending on the country of origin. Access the Department of State visa bulletin to see how long your relative will have to wait for an immigrant visa at <http://www.travel.state.gov/content/visas/english/law-and-policy/bulletin.html>.

Q: What if my relative is already in the United States?

A: Relatives who are here on a valid visa can file a USCIS form I-485 (Request to Adjust Status) at the same time that the sponsor files the USCIS form I-130 petition. The relative is then permitted to remain in the United States, while the action is pending. Be careful, though: if the relative leaves the United States, before the green card is granted – even to drive through Canada during a PCS move – the United States may

not permit them back in, and they may be seen to be “abandoning” their application. If it will be necessary to leave the United States, before the process is complete, the relative can also file a USCIS form 131 (Request for Early Parole), to be permitted to go back and forth to another nation, while the application is pending.

Q: What if I am not a U.S. citizen, but only a permanent resident alien? Can I sponsor someone

A: For certain relatives, yes. To promote family unity, immigration law allows permanent residents of the United States (green card holders) to petition for certain eligible relatives to come and live permanently in the United States. A permanent resident may petition for his/her spouse and unmarried child(ren) of any age to immigrate to the United States. Congress has limited the number of relatives who may immigrate under these categories each year so there is generally a waiting period before an immigrant visa number becomes available. A lawful permanent resident of the United States can file a Form I-130 for their spouse, unmarried child under age 21 and unmarried son or daughter age 21 or older. For more information, please visit <http://www.uscis.gov/green-card/green-card-through-family/green-card-family-member-permanent-resident>.

Q: Are there helpful filing tips from the USCIS that could expedite this process?

A: Yes! Here are the most important:

- If you have a mailing address, make sure to include it on your application.
- Use the most current form version for all forms. When possible, download the form from the USCIS website and complete it on computer.
- If you hand write answers, use black ink. Make sure your entries are neat, legible and in the space provided in the forms.
- Do not “white out” or “grey out” forms with correction tape or ink: the USCIS uses special scanners to scan all documents, and it will not pick up the information. If you make an error, start over with a clean form.
- Complete the entire form: all forms have required fields. Online, they are outlined in red. When those fields are left blank, your application will be returned to you without processing.
- Submit the documents or evidence listed in the forms instruction.
- Submit supporting documents or evidence listed in the form instructions. They must be in English, or accompanied by an English translation. Military One Source can assist with obtaining a translation or finding a translator service at <http://www.militaryonesource.mil>.
- Submit copies, unless original documents are requested. If you submit originals, they may not be returned automatically.

Q: What happens after the I-130 is submitted?

A: The USCIS will send a USCIS form I-797 receipt notice, once your form is properly filed. They will make a decision on the petition; if the petition is approved, it will be forwarded to the National Visa Center. The center will notify you to complete the next steps in the process.



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