



I Am a Permanent Resident

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How Do I...Help My Relative Become a Permanent Resident of the United States?



U.S. Citizenship and Immigration Services

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Millions of people want to come to the United States (U.S.) to live. To manage this process, the law sets eligibility standards and also limits how many people can immigrate each year.

One of the most common ways people immigrate is based on a relationship to a permanent resident. If you are a permanent resident and you want to help a relative immigrate, start the process by filing a **Form I-130, *Petition for Alien Relative***. The I-130 is available on our website.

Who are the relatives that I may petition for?

Any permanent resident can file a petition for the following relatives:

- Husband/wife; and
- Unmarried child(ren), regardless of age.

In your petition, you will have to prove your relationship to the person for whom you are filing.

What does the petition do for my relative?

Filing an I-130 relative petition and proving a qualifying relationship gives the relative a place in line for a visa number among others waiting to immigrate based on that same kind of relationship. When the place in line is reached, the relative will become eligible to apply for permanent residence, or if abroad, for an immigrant visa.

For example: You file an I-130 petition for your husband or wife. If we approve it, your petition gives him or her a place in the line of people from the same country who are also husbands and wives of permanent residents.

What about other relatives?

The law limits eligibility to the relatives listed above.

What about my relative's family?

In most cases, when your husband or wife's place in line is reached and he/she applies to immigrate, his or her unmarried children under 21 can apply as dependents. That means that you do not absolutely need to file a separate petition for each child. However, if the child marries or turns 21 before they immigrate, they will no longer be eligible as a dependent. So we recommend you consider

filing separate petitions for each child. A separate petition keeps the child's place in line among sons and daughters of permanent residents waiting to immigrate.

If you think a child may marry before they can immigrate, you may want to not only consider filing a separate petition for them now, but also applying to become a U.S. citizen if you are eligible. While there is no visa category for the married child of a permanent resident, there is one for the married child of a U.S. citizen. Filing a separate petition now preserves that option so if you do become a U.S. citizen before the child marries, then the separate petition could continue to be processed in the visa category for the married son/daughter of a U.S. citizen.

What if my unmarried child gets married?

There is no visa category for the married child of a permanent resident. A petition for an unmarried child will normally be automatically revoked if he/she gets married. However, as discussed above, an individual petition can continue to be processed if you become a U.S. citizen before the child marries.

After I file, how long will it be before my relative can immigrate?

The length of the line—and thus, the wait before your relative can actually apply to immigrate—varies by relationship and country. For most relatives, the combination of high demand and the limits set by law on how many people can immigrate each year means that they may have to wait several years behind those with petitions that were filed before theirs. When your relative reaches the front of the line, the U.S. Department of State will contact him/her with instructions on how to apply for an immigrant visa. If you are interested in current wait times, see "Visa Bulletins" on the State Department's website at www.travel.state.gov/visa.



Can my relative wait in the U.S. until he/she can become a permanent resident?

Your approved relative's petition gives your relative a place in line among those waiting to immigrate. It does not let him/her come to the U.S., or remain here until he/she can apply for permanent resident status. If he/she comes or stays without legal status, it will affect his/her eligibility to become a permanent resident when his/her place in line for a visa is reached.

Does filing a relative petition commit me to anything?

Under the law, every person who immigrates based on a relative petition must have a financial sponsor. If you choose to sponsor your relative's immigration by filing a I-130 relative petition, then when the time comes, you must agree to be his or her financial sponsor and file a **Form I-864, Affidavit of Support**. If you do not meet the financial qualifications, then other individuals will also have to make this commitment. For more information, please see **Fact Sheet G4**.

How do I file?

Follow the I-130 petition instructions and check our website, for any updates on instructions or fees. Make sure your petition is complete. You will need to submit evidence of your permanent residence, and evidence proving your qualifying relationship to each person for whom you are filing.

What happens after I file?

After you file a relative petition, we will mail you a receipt so you will know we have received your petition. If your petition is incomplete, we may have to reject it, or ask you for additional evidence or information, which will delay processing. **Please send all required papers the first time to avoid delay.**

We will notify you when we make a decision. Normally, if we approve the petition, we will send it to the U.S. State Department's National Visa Center (NVC). Once your relative's place in line for a visa number is reached, the NVC will notify you and your relative, inviting him/her and qualifying dependents to apply for immigrant visas. You can get further information about immigrant visa processing from the U.S. State Department's website at **www.state.gov**.

What if I become a U.S. citizen while a relative is waiting for a visa?

If you become a U.S. citizen while your relative is waiting for a visa, you can upgrade your relative's visa classification by upgrading your petition. Husbands/wives and unmarried children under age 21 of U.S. citizens have visas immediately available to them.

- If you become a U.S. citizen after your relative's petition is already approved and sent to the U.S. Department of State, you should notify the NVC by sending a copy of your naturalization certificate to them. Please include a letter with information regarding your relative and his/her copy of petition approval.
- If you become a U.S. citizen and your relative's petition has not yet been approved by USCIS, see our website or call customer service for information.

How long will it take USCIS to process my petition?

Processing time depends on a number of factors. You can check our current processing times on our website. Once you file a relative petition, we will post an updated estimate of the processing time on the USCIS website.

Key Information

Key forms referenced in this Fact Sheet	Form #
Petition for Alien Relative	I-130
Affidavit of Support	I-864

USCIS

• On the Internet at: **uscis.gov**

For more copies of this Fact Sheet, or information about other citizenship and immigration services, visit our website. You can also download forms, e-file some applications, check the status of an application, and more. It's a great place to start! If you don't have Internet access at home or work, try your library. If you can't find what you need, call customer service.

• Customer Service: **1-800-375-5283**

- Hearing Impaired TDD Customer Service: 1-800-767-1833

Disclaimer: This Fact Sheet is a basic guide to help you become generally familiar with our rules and procedures. For more information, or the law and regulations, see our website. Immigration law can be complex, and it is impossible to describe every aspect of every process. You may wish to be represented by a licensed attorney or by a nonprofit agency accredited by the Board of Immigration Appeals.

Other U.S. Government Services—click or call

In general	www.firstgov.gov	1-800-333-4636
U.S. Department of State	www.state.gov	1-202-647-6575

