

or other immediate relatives – now is a great time! Have you been thinking of applying for a green card for your parents or other immediate relatives who are living abroad and that you would like to bring to the U.S.? If so, now is a great time to consider filing a petition for your immediate relatives, as projected times to complete processing are at an all time low. This article discusses the basics of benefits, eligibility criteria, and process of applying for a green card for an immediate relative, but it cannot be considered legal advice or replace the value of an individual consult with an immigration attorney who is able to conduct a complete analysis based on individual circumstances.

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mediate Relatives:

Immediate relatives are the most favored category of family members and are not subject to numerical limits, which in essence means that they are immediately eligible to apply for a visa. This also means that immediate relatives are not subject to the visa allocation system as other family based green card preference categories. Immediate relatives include:

Parents of U.S. Citizens who are over 21 years old,

Unmarried children (under 21 years old) of U.S. Citizens, and

Spouses of U.S. Citizens.

Benefits: Benefits of a legal permanent resident or a green card are several:

Ability to enter the United States without requiring a visa ;

Ability to take up gainful employment upon arriving into the United States without requiring a sponsor or a pre-arrange an approved job offer.

Ability to apply for a U.S. Citizenship eventually

Eligibility Criteria:

In order to be able to sponsor an immediate relative you must:

Be a U.S. citizen and provide documentation such as a naturalization certificate and/or a U.S. passport to show your status

Meet an income threshold and support the relative you are sponsoring at 125% above the

mandated poverty line.

Process :

1. It must be shown that the immediate relative being sponsored is eligible for immigration and that a qualifying family relationship exists and that the sponsor is a U.S. citizen or a permanent resident. It must also be shown that the immediate relative is admissible to the United States and not deportable.
2. In most family sponsored immigrant visa cases, the U.S. citizen or permanent resident must file an immigrant visa petition on Form I-130 (Petition for Alien Relative);
3. Concurrent filing of the immigrant visa petition and the application for permanent residence is allowed in certain family sponsored cases, and this is called filing for an adjustment of status application, filed on Form I-485. The biggest advantage of adjusting status is the ability of the immediate relative to get the permanent status i.e. green card without having to leave the United States. To take advantage of the adjustment of status process, the immediate relative of the U.S. citizen must not only be in the U.S. but must also have proof of lawful entry in to the United States. However, the U.S. citizen sponsor must be aware of the legal concept of non-immigrant intent and that when an immediate relative entered into the United States with a visitor's visa s/he demonstrated an intent to return to her/his home country and that applying for a lawful permanent resident status could be perceived to be contrary to the intent represented and therefore could be considered a violation of her or his visa terms. Therefore, in situations where an adjustment of status is sought, it is advisable to consult an immigration attorney.

As mentioned earlier, the turnaround time for a green card for an immediate relative along with concurrent filing for an adjustment of status is relatively fast at present and is taking approximately 5 months at the time of writing this article. So, if you have been thinking about applying for a green card for any of your immediate relatives - now is a great time to take advantage!

If you would like to like to see a particular topic/issue covered in future issues please send me an email at

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with "ISW eSandesh" as the subject.

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