

Petitioning for Immigrant Relatives

Who can apply for a family member to obtain lawful permanent residency?

Only **U.S. citizens or lawful permanent residents** (green card holders) can petition for family members.

A **U.S. citizen or lawful permanent resident** must file a Petition for Alien Relative (Form I-130), which is available at uscis.gov/i-130.

U.S. citizens can petition for:

- Spouse
- Parent
- Child (unmarried, under age 21)
- Son or daughter (unmarried, over age 21)
- Married son or daughter
- Sibling

Lawful permanent residents can petition for:

- Spouse
- Child (unmarried, under age 21)
- Son or daughter (unmarried, over age 21)

NOTE: A U.S. citizen or lawful permanent resident is called the “petitioner;” their family member is called the “beneficiary.”

Caution!

Any immigration application can alert USCIS of a person’s undocumented status.

While I-130 applications are not likely to do so, petitioners and beneficiaries do face this risk.

Therefore, individuals with prior crimes, arrests or stops by police or immigration, or deport orders should consult with an immigration attorney or BIA accredited representative before filing any immigration applications.

What are preference categories and why do they matter?

The **U.S. Citizenship and Immigration Service (USCIS)** assigns different labels or “preferences” to family relationships that determine how long it will be before a family member can apply for legal permanent residency after the petition is filed.

Petitioner	Beneficiary	Preference Category
U.S. Citizen	Spouse	Immediate Relative
	Parent	Immediate Relative
	Child	Immediate Relative
	Son/Daughter	1st Preference
	Married Son/Daughter	3rd Preference
Lawful Permanent Resident	Sibling	4th Preference
	Spouse	2A Preference
	Child	2A Preference
	Unmarried Son/Daughter	2B Preference

Each year, Congress sets quotas that limit the number of family members who can receive visas or lawful permanent resident status. Since more people file petitions than there are visas available, many categories of relatives will have to wait before they can obtain lawful permanent resident status.

The quotas do not apply to immediate relatives. Immediate relatives include a spouse, parent or unmarried child under age 21 of a U.S. citizen. Since immediate relatives are not subject to quotas, they do not have to wait to obtain lawful permanent residency. Family members who are not immediate relatives will have to wait until a visa is available.

When do visas become available?

Once the petition is approved, it is assigned a **priority date**—this is the same date that USCIS received the petition. The priority date and preference category determine a person’s place on a waiting list before final action can be taken on his or her case.

The **U.S. Department of State** (DOS) keeps track of visas that can be issued. Each month, DOS publishes the Visa Bulletin, which is an announcement that shows how far along they are in issuing immigrant visas. The visa bulletin can be found at travel.state.gov/content/visas/en/law-and-policy/bulletin.html.

The **Visa Bulletin** shows two charts: the “application final action dates for family-sponsored preference cases” and the “dates for filing family-sponsored visa applications.” The *final action date* determines when a visa is available; it is the same as the priority date. The *filing date* allows applicants to file applications earlier than the date on which the visa is available. Even though the application can be filed earlier, it will not be approved or denied until the final action date becomes current. DOS will always use the filing date chart for consular processing. USCIS will announce each month whether it will accept adjustment of status application based on the filing date chart. For that reason, it is important to check the Visa Bulletin and USCIS websites before submitting an adjustment of status application in a preference category that is not yet current.

Application Final Action Dates

Family Sponsored	All chargeability areas except those listed	CHINA Mainland born	INDIA	MEXICO	PHILIPPINES
F1	2/22/08	2/22/08	2/22/08	12/1/94	6/1/02
F2A	5/15/14	5/15/14	5/15/14	4/1/14	5/15/14
F2B	2/8/09	2/8/09	2/8/09	8/22/95	11/1/04
F3	6/15/04	6/15/04	6/15/04	6/15/94	10/8/93
F4	3/1/03	3/1/03	3/1/03	4/1/97	6/15/92

How do I read a Visa Bulletin?

Alberto is a U.S. citizen. He filed a petition for his sister Maria, from Mexico, on May 30, 1998. Maria’s priority date is **May 30, 1998**. Because Maria is the sibling of a U.S. citizen she is in the **fourth preference category**.

Can she file for lawful permanent residency? Is there a visa immediately available for her?

The Visa Filing Chart lists **June 1, 1998** as the current “filing date” for Maria’s visa category. Thus, if USCIS is accepting applications, she can file her petition for lawful permanent residency.

The Final Action Chart lists **April 1, 1997** as the current “priority date” for Maria’s visa category. Thus, Maria will have to wait for a visa to become available before USCIS will take action on her case.

The Visa Bulletin charts below are for purposes of this example only. For the most current Visa Bulletin, visit the DOS website listed above.

Dates for Filing Visa Applications

Family Sponsored	All chargeability areas except those listed	CHINA Mainland born	INDIA	MEXICO	PHILIPPINES
F1	5/1/09	5/1/09	5/1/09	4/1/95	9/1/05
F2A	3/1/15	3/1/15	3/1/15	3/1/15	3/1/15
F2B	7/1/10	7/1/10	7/1/10	4/1/96	5/1/05
F3	4/1/05	4/1/05	4/1/05	5/1/95	8/1/95
F4	2/1/04	2/1/04	2/1/04	6/1/98	1/1/93



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