



I Am a Permanent Resident

How Do I... Help My Relative Become a U.S. Permanent Resident?



U.S. Citizenship
and Immigration
Services

M-561 (August 2008)

B1 Customer Guide

As a permanent resident of the United States, you may help a relative become a lawful permanent resident based on your status. To do so, you will need to sponsor your relative and be able to prove that you have enough income or assets to support your relative(s) when they come to the United States.

You begin the process by filing **Form I-130, *Petition for Alien Relative***. An I-130 form is available on our website at **www.uscis.gov**.

Which relatives may I petition for?

A permanent resident of the United States can file a petition for the following relatives:

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

Note: Only U.S. citizens may petition for married children.

When you submit your petition, you are required to provide evidence 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 your relative a place in line for a visa number among others waiting to immigrate based on that same kind of relationship from the same country or region. When your relative reaches the head of the line, he or she may be eligible to immigrate.

For example: You file an I-130 petition for your husband or wife. When approved, 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.

Your relative's place in line will be based on the date you file your petition. Therefore, there is an advantage to filing as soon as possible. While there is no waiting line for most immediate relatives of U.S. citizens, sons and daughters over 21 years old will have a waiting time. So if you naturalize while your relatives are waiting for visas, they may be able to immigrate sooner.

What about my relative's family?

In most cases, when your spouse's place in line is reached, his or her **unmarried** children under 21 years old can follow to join the relative on the same visa petition. However, if an unmarried child turns 21 years old before reaching the "front of the line," you will need to file a new separate petition for each child included on the original petition. Please following instructions and include a copy of the receipt notice for the original petition.

What if my unmarried child marries?

A petition for an unmarried child will be automatically revoked if he or she marries, since there is no visa category for a married son or daughter of a permanent resident. However, if you become a U.S. citizen **before** your child marries, you can continue the immigration process by filing a new I-130 visa petition for your child.

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

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. When your relative reaches the front of the line, the U.S. Department of State contacts your relative and invites him or her 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 United States until he or she can become a permanent resident?

No. Your relative's approved petition gives your relative a place in line among those waiting to immigrate. It does not give permission for your relative to live or work in the United States while he or she is waiting to apply for permanent residence. If he or she enters or stays without legal status, it will affect his or her eligibility to become a permanent resident upon reaching his or her place in line for issuance of a visa.

Does filing a relative petition commit me to anything?

Yes. Under the law, each person who immigrates based on a relative's petition must have a financial sponsor. If you choose to sponsor your relative's immigration by filing a relative petition, when the time comes for your relative to immigrate, you must agree to be his or her financial sponsor by filing **Form I-864, Affidavit of Support**. If you do not meet the financial qualifications, then other individuals will need to make this commitment. For more information, please see customer guide **F3, General Information...How Do I...Financially Sponsor Someone Who Wants to Immigrate?**

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, signed, and submitted with correct fees. You will need to submit evidence of your permanent residence, such as a copy of your Permanent Resident Card (front and back). You will also need to provide evidence proving your qualifying relationship to each person for whom you are filing.

What happens after I file?

We will mail you a receipt confirming that we have received your petition. If your petition is incomplete, we may have to reject it, or we may ask you for more 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. Petitions with long wait times may not be approved immediately. (See our website for processing times for I-130 petitions.) Normally, if we approve the petition, we send it to the U.S. Department of State's National Visa Center (NVC). When your relative's place in line permits issuance of a visa number, the NVC will notify you and your relative, inviting him or her and qualifying dependents to apply for immigrant visas. You can find more information about immigrant visa processing from the U.S. Department of State's website at **www.state.gov**.

What if I filed a petition for a relative when I was a permanent resident, but I am now a U.S. citizen?

If you become a U.S. citizen while your relative is waiting for a visa, you can upgrade your relative's visa classification and advance the processing of that petition by notifying the appropriate agency of your naturalization. When you are a U.S. citizen, your spouse and any unmarried children under age 21 will have visas immediately available to them.

- If you become a U.S. citizen after your Form I-130 petition is already approved and it has been forwarded to the U.S. Department of State's National Visa Center (NVC), you should notify the NVC that you have become a U.S. citizen. Requests to upgrade petitions due to the naturalization of the petitioner should be sent to:

**National Visa Center
32 Rochester Avenue
Portsmouth, NH 03801-2909**

Please include a letter with information regarding your relative, a copy of your Naturalization Certificate, and a copy of the petition approval notice. Once the NVC is notified that the petitioner has been naturalized, the NVC will immediately send the visa information on your relative to the designated U.S. Embassy or

consulate abroad. To confirm that your approved petition has been forwarded to the NVC, you can contact the NVC's automated record message system at **1-603-334-0700** and, with a touchtone telephone, enter your USCIS receipt number.

- If you become a U.S. citizen and your relative's petition has not yet been approved by USCIS, you will need to notify the Service Center where you filed your relative's visa petition. You should send the notification to the Service Center address located on the receipt notice you received when you filed your Form I-130 petition. Please include a letter with information regarding your relative a copy of your Naturalization Certificate, and a copy of the petition receipt notice. Call Customer Service at **1-800-375-5283** for additional assistance or if you are unsure about the status or location of your petition.
- If your relative is your spouse and he or she has children who are your natural children, stepchildren, or adopted children, and you did not file separate petitions for them, you must file a separate petition for each of them with evidence of your U.S. citizenship. Please include a copy of the receipt notice for the original petition.

How long will it take USCIS to process my petition?

Since processing time depends on a number of factors, it is difficult to provide a timeframe. 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 USCIS forms referenced in this guide	Form #
Petition for Alien Relative	I-130
Affidavit of Support	I-864

USCIS

- **On the Internet at: www.uscis.gov**

For more copies of this guide, or information about other citizenship and immigration services, please 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 local library. If you cannot find what you need, please call Customer Service.

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

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

Other U.S. Government Services—Click or Call

General Information	www.usagov.gov	1-800-333-4636
New Immigrants	www.welcometoUSA.gov	
U.S. Dept. of State	www.state.gov	1-202-647-6575
	www.travel.state.gov/visa	

Disclaimer: This guide provides basic information to help you become generally familiar with our rules and procedures. For more information, or the law and regulations, please visit 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.