



Sponsoring a Family Member for a Green Card

Can relatives come to the U.S.? It depends on how the family member is related.

Many people in the United States have family members living in other countries, and wonder whether they can bring them here. It's a myth that if one immigrant settles in the United States, that one can bring in the whole extended family, and so on. The truth is both more limited and more complex.

Who You Can Help Immigrate

You can petition to bring family members to the United States only if you are a U.S. citizen or a permanent resident (green card holder). Even then, you can bring in only those family members listed on the chart below. Before reading the chart, click the links explaining the meanings of "immediate relative" and "preference relative."

Who Can Sponsor Who		
Who You Are	Immigrants You Can Petition	The Immigrant's Category
U.S. citizen	Parents	Immediate relative
U.S. citizen	Spouse	Immediate relative
U.S. citizen	Minor, unmarried children	Immediate relative
U.S. citizen	Married children or adult children	Preference relative
U.S. citizen	Brothers and sisters	Preference relative
U.S. permanent resident	Unmarried children	Preference relative
U.S. permanent resident	Spouse	Preference relative

Notice who is not on this list: grandparents, cousins, aunts, uncles, parents-in-law, and other extended family members.



However, if allowed to immigrate to the United States, most of the people on the above list will be permitted to bring their own spouses and children with them. And it is true that once someone has a green card, they can sponsor other people on the list.

How Long Must Relatives Wait?

Immediate relatives can get green cards without worrying about waiting periods or numerical limits. Preference relatives may have to wait between approximately one and 23 years before being allowed to apply for their visa or green card.

Also, only a certain percentage of the green cards go to any one country each year. That means if a particularly high number of people from certain countries submit petitions -- as is often the case with India, Mexico, China, and the Philippines -- their family members end up waiting even longer than others.

Because of the annual limits on how many green cards (immigrant visas) are given out, and the unpredictability of how many people submit petitions each year, no one can say exactly how long each applicant will wait.

As a general rule, applicants in higher preference categories wait less time. The average wait these days from most countries (excluding India, Mexico, China, and the Philippines) is as follows:

Current Average Waiting Period		
Type of Preference Relative	Preference Category	Average Wait
Adult, unmarried children of U.S. citizens	First preference	Six years
Spouses or children of permanent residents	Second preference	Five years for spouses and for minor children; nine years for adult children
Married children of U.S. citizens	Third preference	Nine years
Brothers and sisters of	Fourth	Eleven years



U.S. citizens preference

The longest waits are endured by siblings of U.S. citizens from the Philippines -- currently a staggering 23 years.

How to Start the Application Process

The family member who you will sponsor will have to go through a multi-step application process. It's your job as a U.S. citizen or green card holder to start the process, by submitting a visa petition. Your family member can't enter the U.S. until both the petition and subsequent applications have been approved.

Sponsor vs. Petitioner

Although the term commonly used to describe a U.S. citizen or resident who helps someone immigrate is "sponsor," this isn't the technical term. You "petition" for your family member, so you're a "petitioner." Your incoming family member is called a "beneficiary."

Strategies for Success

There are some important steps you can take to speed up your family member's progress toward a green card.

Apply for U.S. Citizenship

If you are a U.S. permanent resident, not a citizen, you can help by applying for citizenship as soon as you're eligible. That's usually five years after getting your green card.

As soon as you're a citizen, your family members can move to a speedier immigration category. For example, your spouse would become an "immediate relative," and could apply for a green card right away. Your parents would go from having no immigration rights to being immediate relatives, and your children would become immediate relatives or move to higher preference categories, depending on their age and whether they are married.



Warn Your Waiting Children Not to Marry

Children who marry have it tough when it comes to immigrating. If you're a permanent resident and you have petitioned for an unmarried child, that child's marriage will destroy the right to immigrate under your petition. If you're a U.S. citizen and your child marries, that will drop the child down into the third preference category, meaning a long wait.

Make sure your children know these risks before they marry. It won't matter that they were unmarried when you started the immigration process for them; they have to be unmarried when they pick up their immigrant visa or green card.

Have Multiple U.S. Family Members Sponsor the Same Immigrant

Hopeful immigrants (beneficiaries) shouldn't pin all of their hopes on one petitioner. If something goes wrong -- for example, the petitioner dies or divorces the beneficiary before the beneficiary gets a green card -- the opportunity is, in most cases, lost.

There is no harm in having more than one U.S. citizen or resident file visa petitions for a waiting immigrant. For instance, both parents could file for a child, to insure against the death of one parent. Or a person married to a permanent resident could have both the resident and their U.S. citizen parent file a visa petition for them. For further assistance, please contact us at Younossi Law.