

Family Based Residency & Visas



Categories of Family Based Residency (Not Subject to Quota)

- ✓ Immediate Relative (Spouse, Child, & Parents of U.S. Citizens)

4 Preference Categories (Subject to Quota)

- 1st Preference-Unmarried sons or daughters of U.S. Citizens
- 2nd Preference-Spouses and unmarried sons or daughters, any age, of lawful permanent resident
- 3rd Preference-Married sons or daughters of U.S. citizens
- Brothers or sisters of U.S. citizens who are at least 21 years old.

Processing Residency



The Petition Process

Forms Required

- Form I-130, Form G-325A for each spouse if applicable; Form G-28

Documents Required

- Birth Certificate of Petitioner; certificate of U.S. Citizenship; U.S. Passport or photocopy of Permanent Resident Card
- Marriage certificate and divorce decrees (if applicable)
- Marriage certificate between the parents of the petitioner and alien if the petition is for a brother/sister
- Birth Certificate of alien translated into English
- A recent passport style photo of the alien
- A recent passport style photo of the petitioner

Processing Residency



- Adjustment of Status

Forms Required

- For Beneficiary: I-485, G-325A, I-765, I-131, G-28
- For Petitioner: I-864, G-28

Documents Required

- Alien's Passport
- Form I-94
- Medical Examination for Alien
- 8 Passport Style Photos of the Alien
- Form I-864 with W-2, 1040, and current employment letter
- Marriage Certificate

This same package must be completed for an eligible spouse or child

The Marriage Interview



- The purpose of the interview is to ensure that the marriage was not entered into solely for the purposes of obtaining LPR status.
- The couple should present evidence of a sharing of assets or responsibilities EX: joint bank statements, deeds, insurance, family photos, airline tickets or receipts of vacations taken together, etc. . .

Conditional Residency

- Individuals who have been married less than 2 years will receive permanent residency status for 2 years only.
- After the 2 years, the alien must file for I-751 to have the “condition removed”
- Forms Required: Form I-751 and G-28 along with proof of the relationship (EX: joint accounts, recent photos, insurance, deeds, etc. . .)

Consular Processing



Forms Required for Beneficiary: DS-230 (Parts 1 & 2)

Forms Required for Petitioner: I-864 (and I-864a if needed) and G-28

Consular Interview Documents

- Birth Certificate of Petitioner; certificate of U.S. Citizenship; U.S. Passport or photocopy of Permanent Resident Card
- Marriage certificate and divorce decrees (if applicable)
- Marriage certificate between the parents of the petitioner and alien if the petition is for a brother/sister
- Birth Certificate of alien translated into English
- A recent passport style photo of the alien
- A recent passport style photo of the petitioner
- Form I-94
- Alien's passport
- Medical Exam of alien
- Police Clearance Letter

I-864 and I-864(a) Affidavit of Support

- The purpose of the Affidavit of Support is to show that the intended immigrant has adequate means of financial support and is unlikely to become a public charge.

Evidence of Current Employment

- Tax Returns; W-2 Forms; IRS Form 1099, Portfolio of assets/stocks

Evidence of Beneficiary's Assets

- Assets must have a cash value and equal to 5x the difference between the sponsor's total household income and the amount reflected by the poverty Guidelines

Co-Sponsor

If the income requirements are not met, the beneficiary can get a co-sponsor



International Adoption

- **International adoption**-- a type of adoption in which an individual or couple becomes the legal and permanent parents of a child born in another country.
- In general, prospective adoptive parents must meet the legal adoption requirements of their country of residence and those of the country in which the child was born.

Adoption Process

1. Selecting an agency or facilitator to work with.
 2. A file is prepared that contains a large amount of information about the prospective adoptive parents. (background check, fingerprints, social worker review)
 3. The file is submitted for review to the appropriate authorities in the child's country.
 4. After the file is reviewed and the prospective parents are approved to adopt, they are matched to an eligible child.
 5. A referral is given (parent is sent information about the child, such as age, gender, health history)
- A travel date is included in the referral, informing the parents when they may travel to meet the child. Some countries do not allow referrals until the prospective parent travels to the country on their first trip. This is called a "blind" referral

International Adoption

6. Depending on the country, the parents may have to make more than one trip overseas to complete the legal process.
7. Paperwork must be completed to make the child a legal United States citizen or re-adopt them under United States law.
8. One or more follow up (or "post placement") visits from a social worker may be required

NOTE: citizenship is automatically granted to all foreign-born children when at least one adoptive parent is a U.S. citizen.

Stepchildren

- A parent may petition for their stepchildren provided the sponsor marries the stepchild's parent before the unmarried stepchild turns 18.
- Divorce does not necessarily end the step relationship if the stepparent and the stepchild continue to have a relationship.
- A stepchild may immigrate to the United States, naturalize, and at age 21 petition to bring his or her blood parents to the United States as immediate relatives.