



GREEN CARDS FOR IMMEDIATE RELATIVES

The information in this document is not legal advice. It is a general overview of how a lawful permanent resident (LPR) or US citizen can petition an immediate relative to come to the US. Please contact the Fort Gregg-Adams Legal Assistance Office if you have any questions or for a referral to private immigration specialist: 804-765-1500.

General Information:

- With some exceptions, **LPRs** can file petitions for their spouse and unmarried children.
- With some exceptions, **US citizens** can file petitions for their spouse, children, and if US citizens are over 21, they can also file petitions for their siblings and parents.
- All foreign language documents, including birth certificates, marriage certificates, and divorce decrees must be accompanied by a certified English translation. Contact Military OneSource for translation assistance: <https://www.militaryonesource.mil/benefits/language-services/>.
- You can pay filing fees with a money order, personal check, cashier's check, or by completing a G-1450, Authorization for Credit Card Transactions, <https://www.uscis.gov/g-1450>.
- If the following information is unclear, see the instructions for each form in the links below.

Required Forms and Evidence (generally):

1. **I-130, Petition for Alien Relative**, <https://www.uscis.gov/i-130>. This petition is in the LPR/US citizen Petitioner's voice. Filing fee: **\$625** for online filing and **\$675** for paper filing. If you are petitioning more than one relative, you need a separate I-130 for each relative Beneficiary. Required evidence includes:
 - **All Cases:**
 - Form I-94 Arrival/Departure Record, <https://i94.cbp.dhs.gov/home>
 - Petitioner's proof of US citizenship—birth certificate, copy of naturalization certificate, copy of unexpired US passport
 - Proof of Petitioner's LPR status—copy of green card back and front
 - Proof of immediate family relationship
 - **Beneficiary is a Spouse of a US Citizen:**
 - Copy of marriage certificate and certified English translation
 - If either person previously married, copy of divorce decree and certified English translation
 - Two identical color passport photos, measuring 2" by 2" taken within 30 days of filing the petition of both Petitioner and Beneficiary
 - Proof of joint ownership of property—car title, house deed, mortgage
 - Proof you live in the same home—bills going to same address, lease in both names
 - Birth certificates of any shared children and certified English translation
 - Affidavits by third parties having personal knowledge of your relationship
 - Any other evidence the marriage is legitimate—pictures, life insurance beneficiary designations, joint bank accounts, joint utility bills, DEERS enrollment, accompanied orders

- **Note:** If you've been married less than two years, the beneficiary's residency will be conditional; you will have to file an I-751, Petition to Remove Conditions on Residence, <https://www.uscis.gov/i-751>, 90 days before conditional permanent residence status expires.
- **Beneficiary is Unmarried Child Under 21 of a US Citizen Mother:**
 - Copy of Beneficiary's birth certificate, listing both mother and child
- **Beneficiary is Unmarried Child Under 21 of US Citizen Father:**
 - If the Beneficiary was born **during marriage** to the mother, copy of the Beneficiary's birth certificate showing both parents' names, copy of the marriage certificate to the mother, and divorce decree if divorced from mother
 - If the Beneficiary was born when his/her **parents were not married to each other**, proof the Beneficiary was legitimized before his or her 18th birthday
- **Beneficiary is Mother of a US Citizen**
 - Copy of Beneficiary's birth certificate
- **Beneficiary is the Father of a US Citizen**
 - Petitioner's birth certificate showing father's name
 - Parents' marriage certificate
 - Divorce decree if parents are divorced from each other or were previously married to other people and divorced prior to marrying the other parent
- 2. **I-131A, Supplemental Information for Spouse Beneficiary, <https://www.uscis.gov/i-130>.** This form is only required when the Beneficiary is the Petitioner's spouse and must be submitted with the I-130. It is in the Beneficiary spouse's voice. Filing fee: \$0.
- 3. **I-765, Application for Employment Authorization, <https://www.uscis.gov/i-765>.** Allows Beneficiary to work. Filing fee: **\$470** for online filing and **\$520** for paper filing. Evidence includes:
 - Form I-94 Arrival/Departure Record, <https://i94.cbp.dhs.gov/home>
 - Copy of last Employment Authorization Document (EAD), if applicable
 - If no EAD, a copy of photo ID, including a passport or visa
 - Two identical color passport photos, measuring 2" by 2" taken within 30 days of filing the petition of the Beneficiary
- 4. **I-864, Affidavit of Support Under Section 213A of the INA, <https://www.uscis.gov/i-864>.** If there is only one Beneficiary and he/she is Petitioner's spouse, file **I-864EZ, Affidavit of Support Under Section 213A of the INA, <https://www.uscis.gov/i-864ez>** instead. Both forms are in the voice of the Petitioner, who is promising to be financially responsible for the Beneficiary for 10 years or until he/she becomes a US citizen. Filing fee: \$0. Required evidence includes:
 - Tax transcripts for the last three years, <https://www.irs.gov/individuals/get-transcript>
 - Or, a photocopy of the last three tax returns, along with all of your W-2s for those years

5. **I-131, Application for Travel Documents, Parole Documents, and Arrival/Departure Records**, <https://www.uscis.gov/i-131>. In **limited** cases, it may be appropriate to file an I-131 if the Beneficiary needs to travel outside the US while their petitions are pending. Please consult with our office or a private attorney to determine if this is appropriate in your case. Filing fee: \$0.
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Consular Processing:

1. Assuming the Beneficiary is outside the US, once USCIS approves the I-130, it will transfer the case to the Department of State's (DOS) National Visa Center (NVC).
2. NVC will send the Beneficiary an email with an NVC welcome number, Invoice number, and instructions to create a Consular Electronic Application Center (CEAC) account.
3. The Beneficiary will complete the DS-260, Online Immigrant Visa Application, on their CEAC account. They must have a valid, unexpired passport to complete it. Filing fee: **\$325**. Even if the I-864/I-864EZ has been approved, NVC may charge **\$120** to process the I-864/I-864EZ.
4. Next, the NVC will schedule an interview for the Beneficiary at the nearest US Consulate and instruct the Beneficiary to get a medical exam with a USCIS approved doctor before the interview.
5. If the NVC approves the DS-260, it will put an I-551 stamp on the Beneficiary's passport, which is proof of permanent residence.
6. Using their unexpired, valid passport, with a I-551 stamp, the Beneficiary can enter the US. Once in the US, USCIS will issue the Beneficiary a green card.

For more information on Consular Processing, please see:

<https://travel.state.gov/content/travel/en/us-visas/immigrate/the-immigrant-visa-process/step-1-submit-a-petition.html>.