

# Petitioning Relatives to the U.S.

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One of the most common ways of petitioning a family member to the United States for a permanent resident visa or “Greencard” has been through the Form I-130 – “*Petition for Alien Relative*”. It used to be that such petitions could be filed with the local embassy in the applicant’s country of origin. However, effective August of this year, such petitions must now be filed centrally at the lock box office of the Chicago USCIS (U.S. Citizenship and Immigration Services) office. Petitioners residing in a country with a USCIS office may send their petitions to the USCIS Chicago lockbox, or file at the USCIS office in that country. Also, overseas petitioners filing with the lockbox should expect processing times similar to petitions filed domestically, which currently stand at five (5) months.

Based on a Policy Memorandum published in July 2011, these petitioners will also be granted more time to respond to Requests for Evidence (RFE). Applicants and petitioners residing outside the United States are now given up to 12 weeks to respond to RFEs, plus an additional 14 days to account for overseas mail.

Generally when an initial application is filed, the USCIS may respond with an additional request for information or evidence to substantiate a petition. This is common especially where the documentation provided is not complete. It is always best to consult an immigration attorney so that proper documents are submitted to USCIS, and therefore lessening the time delay in processing the application.

For most family members, the petition will typically be granted, however the processing times vary depending on the type of relative. Spouses and children are given top priority in processing times, and these generally get approved within 3-6 months time. For others, such as a sibling (ex., brother or sister), such processing times are no longer and also subject to the waiting list. Consequently, such processing times for siblings may be as long as 24-36 months. There is however other factors that the USCIS will consider in expediting a petition and these should be discussed with your immigration attorney.

## **The Following Family Members May Be Petitioned under an I-130:**

- Spouse (husband or wife)
- Unmarried children under 21
- Unmarried son or daughter of any age

## **The Application Process Is Simple:**

To obtain a green card for your family member, you must:

- File Form I-130, Petition for Alien Relative
- Provide proof of your status to demonstrate that you are a permanent resident.
- Submit evidence of the qualifying relationship such as a birth certificate, marriage certificate, divorce decree, etc. See the form instructions for specific documents required.
- Submit proof of any legal name change for you or your family member (the beneficiary).

Elias Lorenzana, Jr. is an Immigration Attorney with the Lorenzana Law firm, P.C. The law firm has several offices in the United States and handles all immigration cases from the simplest case to the most complex immigration case and including deportation hearings. Call 1-877-905-4882 in the U.S. for more information.