

One of the main goals of the immigration laws of the United States has always been family unity. For this reason, immigration benefits based on family relationships are some of the easiest to obtain. Below is a description of the various family-based categories available.

### **IMMEDIATE RELATIVES**

Immediate relatives include the **parents, spouses, children, stepchildren**, and **adopted children** of United States citizens. For a child to qualify as an immediate relative they must be single and under 21 years of age. For a stepchild, the child must be single, under 21, and the marriage that created the stepchild relationship must have taken place before the stepchild's 18<sup>th</sup> birthday. For adopted children, the child must be single and have been legally adopted before the child's 16<sup>th</sup> birthday.

The biggest advantage to qualifying as an immediate relative is that there are no limits on the number of immigrant visas available. This means that the person can proceed immediately to permanent residence without having to wait years for a visa to become available.

### **PREFERENCE CATEGORIES**

If a foreign national has a qualifying relationship with a citizen or permanent resident of the United States, but does not qualify as an immediate relative of a United States citizen they will fall under one of the preference categories. Falling into a preference category means that there are a limited number of immigrant visas that can be issued in that category each year. When that number is used up the category backs up. All other categories mentioned below are preference categories. Once a United States citizen or permanent resident files a petition for a family member in a preference category the date of filing, not the date of approval, determines when the immigrant visa will be available. For this reason **it is important to file petitions as soon as possible**. Persons waiting for an immigrant visa can check the Department of State's **Visa Bulletin** which is published each month and has the "Priority Dates" or immigrant visa backlog information for every category.

### **OTHER FAMILY MEMBERS OF UNITED STATES CITIZENS**

United States citizens can also petition for **single sons and daughters** who have reached their 21<sup>st</sup> birthday, **married sons and daughters**, and **brothers and sisters**. Since these are not immediate relatives it means there are a limited number of immigrant visas available in these "preference" categories.

### **FAMILY MEMBERS OF LAWFUL PERMANENT RESIDENTS**

Lawful Permanent Residents (green card holders) of the United States can petition for **spouses, children** (same definition as above), **stepchildren** (same definition as above), **adopted children** (same definition as above), and **unmarried sons and daughters**. Lawful Permanent Residents may not petition for parents, married sons and daughters, or brothers and sisters. Since these are also not immediate relatives it means there are a limited number of immigrant visas available in these "preference" categories.