

How to Petition for a Family Member: Form I-130

How can I help a family member immigrate to the United States?

- This depends on your immigration status.
- To Use Form I-130, “Petition for Alien Relative,” you must be a:
 - U.S. citizen; or
 - Lawful permanent resident.

U.S. Citizen Petitioning for Relatives

Immediate Relatives

- **Spouse** I
- **Child** (unmarried and under 21 years old)
- **Parent** (US citizens needs to be 21 years old)

Preference Categories

- **Unmarried Son/Daughter** (21 years and older)
- **Married Son/Daughter and derivatives**
- **Brother/Sister and derivatives**

Permanent Residents Petitioning for Relatives

Preference Category

- Spouse
- Unmarried/under 21 Child
- Unmarried/ over 21 Son/Daughter

How do I file a Form I-130 petition for my family member?

- Complete and sign Form I-130, Petition for Alien Relative and include all required evidence listed on the form instructions
- Submit Online by creating a myUSCIS account or mail the Form I-130, evidence, and filing fee to address on our website. Starting on 4/1/24, fee increases to \$675 if paper filing or \$625 if filing online.
- Immediate relatives need their own petitions and separate filing fees; preference cases do not

Online Account w/USCIS

- Automatic updates on case status
- -Access to request duplicate copies of all correspondences from USCIS
- -Ability to change address in the account
- -Ability to request biometrics reschedule
- -Ability to upload evidence if USCIS requests additional evidence
- -Access to ask questions about case
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What happens after I properly file the petition?

- You will receive a receipt notice (Form I-797) confirming that we received your petition.
- If additional information or evidence is needed, we will send a request for evidence (RFE).
- Be sure to update your address with USCIS if you move.
- Once we make a final decision, we will mail a decision notice (Form I-797) to you.

How long will it take to process my petition?

- You can use our self-service online tools to check processing times and the status of your pending petition.

The image displays two side-by-side screenshots of USCIS online services. The left screenshot is titled 'CASE STATUS ONLINE' and features a text input field labeled 'Enter a Receipt Number' with a help icon, a 'CHECK STATUS' button, and a 'PRIVACY ACT STATEMENT' link. The right screenshot is titled 'Check Case Processing Times' and includes instructions to 'Select your form number and the office that is processing your case', a link for more information, two dropdown menus for 'Form' and 'Field Office or Service Center', and a blue 'Get processing time' button.

www.uscis.gov

What does the Form I-130 do for my relative?

- A petition establishes that a qualifying family relationship exists between you (petitioner) and your relative (beneficiary).
- An approved petition DOES NOT give your relative permission to be in the U.S. or work authorization
- The filing date of the petition gives your family member a “priority date” = A place in line to apply for a green card.

Examples of Approval Notices (Form I-797)

U.S. Department of Justice
Immigration and Naturalization Service

Notice of Action

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THE UNITED STATES OF AMERICA

RECEIPT NUMBER WAC-95- [REDACTED]	PRIORITY DATE June 16, 1995	CASE TYPE I130 - IMMIGRANT PETITION FOR RELATIVE, FIANCE (E), OR ORPHAN
RECEIPT DATE June 20, 1995	NOTICE DATE August 21, 1995	PETITIONER [REDACTED]
PAGE 1 of 1		BENEFICIARY [REDACTED]

Notice Type: Approval Notice
Section: Unmarried child under 21 of permanent resident, 203(a)(2)(A) INA

The above petition has been approved. We have sent the original visa petition to the Department of State National Visa Center (NVC), 22 Rochester Avenue, Portsmouth, NH 03801-2909. The NVC processes all approved immigrant visa petitions that need consular action. It also determines which consular post is the appropriate consulate to complete visa processing. The NVC will then forward the approved petition to that consulate.

This completes all INS action on this petition. If you have any questions about visa issuance, please contact the NVC directly. The telephone number to NVC is (603) 334-0100.

The NVC will contact the person for whom you are petitioning concerning further immigrant visa processing steps.

THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA.

THE UNITED STATES OF AMERICA

I-797 | NOTICE OF ACTION | DEPARTMENT OF HOMELAND SECURITY
U.S. CITIZENSHIP AND IMMIGRATION SERVICES

Case Number [REDACTED]	Priority Date 03/09/2014	Case Type I130 - PETITION FOR ALIEN RELATIVE
Received Date 03/09/2014	NOTICE DATE 11/30/2014	[REDACTED]
PAGE 1 of 1		[REDACTED]

Notice Type: Approval Notice
Section: Husband or wife of U.S. Citizen, 201(b) INA

The above petition has been approved. As the petitioner requests, we have sent the petition to the U.S. Department of State National Visa Center (NVC), 32 Rochester Avenue, Portsmouth, NH 03801-2909. The NVC processes all approved immigrant visa petitions that need consular action. It also determines which consular post is the appropriate consulate to complete visa processing. The NVC will then forward the approved petition to that consulate.

The NVC will contact the beneficiary of this petition with further information about immigrant visa processing steps.

You should allow a minimum of 30 days for U.S. Department of State processing before contacting the NVC. If you have not received any correspondence from the NVC within 30 days, you may contact the NVC by e-mail at NVCINQUIRY@state.gov. You will need to enter the USCIS receipt number from this approval notice in the subject line. In order to receive information about your petition, you will need to include in the body of the e-mail your name and date of birth, and the Applicant's (beneficiary's) name and date of birth.

THIS FORM IS NOT A VISA AND MAY NOT BE USED IN PLACE OF A VISA.

The approval of this visa petition does not in itself grant any immigration status and does not guarantee that the alien beneficiary will subsequently be found to be eligible for a visa, for admission to the United States, or for an extension, change, or adjustment of status.

NOTICE: Although this application or petition has been approved, USCIS and the U.S. Department of Homeland Security reserve the right to verify this

From Petition to Green Card

- Who is eligible for Adjustment of status in the United States (Form I-485)?
 - Immediate relatives of U.S. citizens with a lawful admission or parole;
 - Preference categories with current priority dates who are currently in lawful immigration status in the United States;
 - Any immigrant who qualifies under INA § 245(i); or
 - Certain beneficiaries of humanitarian programs (VAWA, U/T visa, etc).

Adjustment of Status Forms

- Can be very complicated and encouraged to work with either an attorney or an accredited representative

Form	Required	Optional	Filing Fee
I-130	X		\$625/\$675
I-485	X		\$1440/\$950
I-864	X		N/A
I-693	X		Varies
I-765		X	\$260
I-131		X	\$630