



BASHYAM SPIRO^{LLP}

IMMIGRATION
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US Citizen's Guide to Sponsoring Parents for US Lawful Permanent Resident Status

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Hosted by:

Ame Coats and Murali Bashyam

Bashyam Spiro LLP

www.bashyamspiro.com



US Citizen's Guide to Sponsoring Parents for US Lawful Permanent Resident Status

Part 1: Overview

Part 2: Process for Immigrant Visa

Part 3: Process for Adjustment of Status



Part 1:

Overview—Green Card/LPR Status for Parent

Process for Green Card:

Adjustment of Status v. Consular Processing

- **Adjustment of Status:**
 - The Beneficiary obtains LPR status while present in the US
 - ***Potential Problems:*** potential fraud issues, out of status, present without inspection
- **Consular Processing:**
 - Process for obtaining an immigrant visa at US Embassy abroad. Beneficiary uses immigrant visa to enter US as an LPR.



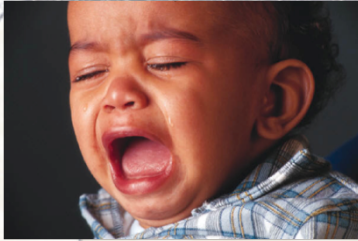
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#1 Most Common Question from Clients:

“Adjustment of Status sounds so much easier. Can I just bring my parent to the US on a tourist visa and then apply for adjustment of status?”



Potential Finding of Fraud: 30/60 Day Rule



Part 2:

Immigrant Visa Processing for Parents Who Reside Abroad:

1. File I-130 Immediate Relative Petition in the US with USCIS.

Common Issue: USC must provide birth certificate to prove relationship with Parent; however, birth certificate does not exist, incomplete, or incorrect.

Check Dept. of State for information regarding availability of documents.

http://travel.state.gov/visa/fees/fees_3272.html

Example—India:

Birth Certificates

Available. Prior to 1970, the reporting of births was voluntary... In cases where birth certificates from the authorities are unavailable or contain insufficient information regarding the birth or the parents, a sworn affidavit executed by either the parents, if living, or other close relatives older than the applicant, may be submitted. It should set forth the relationship between the deponent and the applicant, how well the deponent knows the applicant, date and place of the applicant's birth, the names of both parents, and any other related facts. ***Such an affidavit, when a birth certificate is unavailable, should be accompanied by a document from a competent governmental authority confirming that the certificate does not exist, or no longer exists.***



Immigrant Visa Process Continued...

- ***Approved I-130 is sent to National Visa Center.***
 - Pay Visa Fees.
 - Submit Required Forms—Biographic & Financial
(Includes I-864, Affidavit of Support)
 - Submit Certain **Original** Documents: Marriage Cert, Birth Cert, Divorce Documents, Police Check, Photos

- 3. *Embassy contacts Parent for Interview***
 - Medical Exam
 - At interview, documentation sent to NVC reviewed again.



Immigrant Visa Process Continued...

4. **If Approved**—Immigrant Visa Valid for *6 months*.
5. **Parent uses immigrant visa to enter US.**
 - Parents becomes Lawful Permanent Resident on the day they enter US.
 - Card Valid for 10 Years



Part 3: Adjustment of Status

Be careful: Fraud Issues

Doesn't Work for Everyone!!!

1. File I-130 Immediate Relative Petition concurrently with I-485, Application to Adjust Status and other required forms and documents.
2. While case is pending:
 - Ability to work (Filed in step #1 on Form I-765.)
 - Social security number issuance
 - Driver's License issuance
 - Ability to travel (If qualified, filed in step #2 on Form I-131)
2. Interview at Local USCIS office
3. If approved, Parent's status is "adjusted" to that of Lawful Permanent Resident. 10 year green card.



Common Questions

- How long does the process take?
- What will my parents do for healthcare?
- I have a 17 year old sister. Can she immigrate with my parents?
- Who can my parents sponsor after they become LPRs?
- My parents want to go back home after they become LPRs. Is that ok?



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Questions?





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For more information, contact:

919-833-0840

ame@bashyamspiro.com

murali@bashyamspiro.com

www.bashyamspiro.com