

GETTING THE GREEN CARD THROUGH A FAMILY MEMBER'S SPONSORSHIP: One Way To Immigrate to the U.S.

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One way of permanently immigrating to the U.S. is through sponsorship from your close relatives. This falls under the category of family-based immigration; one of the ways Congress has emphasized the importance of family unification in American Immigration Law. There are certain important criteria, however, that must be met in order to successfully qualify as eligible for family-based immigration and in order to qualify as a relative's sponsor.

To act as sponsor, the petitioner must first be either a U.S. citizen or a lawful permanent resident of the United States and be able to provide documentation proving his or her status. A lawful permanent resident, also referred to as a green card holder, is defined as a foreign national who has been granted the privilege of permanently living and working in the United States. An important notion for green card holders to understand is that, under certain circumstances, the green card can be rescinded, revoked or terminated.

Second, the petitioner must have a qualifying family relationship with the beneficiary. The following are recognized qualifying relationships for a petitioner who is a U.S. citizen: Husband or wife; unmarried child under 21 years old; unmarried son or daughter over 21 years old; married son or daughter of any age; brother(s) or sister(s), if the sponsor is at least 21 years old; mother or father, if the sponsor is at least 21 years old.

If the petitioner is a lawful permanent resident, he or she can petition for the following relatives, as long as he or she can prove the following relationships: Husband or wife; unmarried child under 21 years of age; unmarried son or daughter over 21 years of age. Lawful permanent residents cannot sponsor their parents, married sons or daughters or brothers and sisters.

Once the petitioner and beneficiary meet the qualifying requirements, the petitioner must be willing to "sponsor" his or her relative for lawful permanent residency by filing the I-130, Petition for Alien Relative. In this type of a Petition, the Petitioner must present proof of legal status and proof of family relationship along with USCIS filing fees, a G-28 if the petitioner is being represented by an attorney. After completing this part of the Petition, the petitioner must then follow through with the application processing procedure. This second step is called the "Adjustment of Status" process.

As part of the Adjustment of Status process, the petitioner must be able to prove that he or she can support his or her family, relatives and all other sponsored family members at 125% above the mandated poverty line. If the petitioner cannot do that then they can seek a "joint sponsor" which is a friend or relative of the petitioner or the beneficiary.

Alternatively, the support can be found in the "assets" of the sponsoring petitioner. The determination of the threshold of the ability to financially support is determined from the government's review of the Form I-864.

For more information about sponsorship for family-based immigration, please feel free to contact any of the immigration lawyers or attorneys at Nachman Phulwani Zimovcak (NPZ) Law Group, P.C. at 201-670-0006 (x100) or by e-mailing us at info@visaserve.com.