



NOYES & ASSOCIATES

L A W Y E R S



REUNITING THROUGH IMMIGRATION

An Overview of Family Petitions

WHAT IS A FAMILY PETITION?

A family petition allows the family of U.S. Citizens (USC) or Legal Permanent Residents (LPR) immigrate to the United States. However, there are certain rules as to who can petition for which family members.



TYPES OF FAMILY PETITIONS

TYPE OF PETITION <i>(Relationship to USC/LPR)</i>	USC CAN FILE?	LPR CAN FILE?
SPOUSAL PETITION	YES	YES
PARENT PETITION	YES	NO
CHILDREN PETITION	YES	YES
SIBLING PETITION	YES	NO
FIANCÉ PETITION (K1)	YES	NO

WHAT DO I NEED FOR A FAMILY PETITION?

The Petitioner (USC/LPR) must establish their relationship to the eligible relative they wish to come to or remain in the U.S. permanently.

Depending on who you're petitioning for, the evidence you will provide will be different.

For example:

Spousal Petition: Evidence of Bona Fide Marriage
Parent Petition- Birth Certificate with parent and child's name on it

Children Petition: Birth Certificate with parent and child's name on it

Sibling Petition: Birth Certificates of the siblings having one or both parents being the same

Fiancé Petition: Evidence of courtship

Note: These are only examples and not exhaustive.

HOW LONG DO FAMILY PETITION TAKE?

The time it takes for a petition to reach a resolution often depends on the type of petition and the number of visas available per year.

Immigrant visas available for “immediate relatives” of U.S. citizens are unlimited, so they are available at all times.

“Immediate relatives” include Spouses, Unmarried children under 21, Parents, and Widows or widowers if the U.S. citizen filed a petition before their death or if the widower files a petition within two years of the U.S. citizen’s death.

The number of immigrant visas for family-based preference categories is limited, making them not always available.

The DOS (Department of State) is the agency that issues visa numbers. Visas for family-based preference categories are limited to a minimum of 226,000 per year.

The Visa Bulletin, published monthly by DOS, summarizes the availability of immigrant visas based on:

*The “Final Action Dates for Applications” chart (Consistent with previous Visa Bulletins) and
The “Dates for Filing Applications” chart, which indicates when immigrant visa applicants should be notified to gather and submit the required documentation to the National Visa Center.*

Please note that USCIS determines the timeline, not your lawyer.



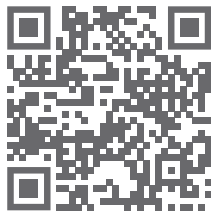
*For more information
please contact our offices*



 **611 Access Road, first floor,
Stratford, CT 06615**

 **203 572 6748**

 **ask@noyeslawyers.com**



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