



FORT SILL LEGAL ASSISTANCE



GREEN CARD FOR IMMEDIATE FAMILY

How can I obtain a Green Card for my Immediate Family?

Please refer to the U.S. Citizenship and Immigration Services (USCIS) website at <https://www.uscis.gov/military/military>. This will provide you with up-to-date changes to the requirements for your application.

Immediate relatives of U.S. citizens and lawful permanent residents (Green Card holders) are eligible for immediate visas from the U.S. Department of State. Meaning they will generally not have to wait for a visa number to become available.

Eligible Immediate Relatives:

- Spouses
- Unmarried children under the age of 21
- Parents (if the U.S. citizen is over the age of 21)

Together with your relative, you will need to fill out these forms to start your petition with USCIS. It is recommended that you file Form I-485 and Form I-130 together. Otherwise, you will have to wait to file your relatives Form I-485.

The following forms will be required to apply:


1. Form I-485, Application to Register Permanent Residence or Adjust Status
<https://www.uscis.gov/i-485>. Here, you will find updates, the form, and instructions on filling the form out.
Will require an application fee.
This form is for the principal person applying for a Green Card.
2. Form I-130, Petition for Alien Relative
<https://www.uscis.gov/i-130>. Here, you will find updates, the form, and instructions.
Will require an application fee.
This form is for the person sponsoring the applicant from Form I-485.
3. Form I-864, Affidavit of Financial Support
You can find this form at <https://www.uscis.gov/i-864>.
4. Form I-693, Report of Medical Examination and Vaccination Record
You can find this form at <https://www.uscis.gov/i-693>; you do not have to file this form with Forms I-485 and I-130; however, you will eventually need to file one with USCIS.
5. Form I-797, Notice of Action
Only file this form if you are not filing concurrently or together Form I-485 and Form I-130.

Please follow these three steps for Form I-485.

STEP ONE: Fill out Form I-485:

Your spouse, parent, or child must fill out Form I-485, will need to download or print the form at <https://www.uscis.gov/i-485>; please use type or black ink. **You must be physically present inside the United States to file this form.**

Please pay close attention to the expiration date of your form; you may need to find a more recent version.

		Application to Register Permanent Residence or Adjust Status		USCIS Form I-485 OMB No. 1615-0023 Expires 09/30/2021	
Department of Homeland Security U.S. Citizenship and Immigration Services					
For USCIS Use Only					
Preference Category: _____ Country Chargeable: _____ Priority Date: _____ Date Form I-693 Received: _____		Receipt		Action Block	
<input type="checkbox"/> Applicant Interviewed <input type="checkbox"/> Interview Waived Date of Initial Interview: _____ Lawful Permanent Resident as of: _____		Section of Law <input type="checkbox"/> INA 209(a) <input type="checkbox"/> INA 249 <input type="checkbox"/> INA 209(b) <input type="checkbox"/> Sec. 13, Act of 9/11/57 <input type="checkbox"/> INA 245(a) <input type="checkbox"/> Cuban Adjustment Act <input type="checkbox"/> INA 245(i) <input type="checkbox"/> Other _____ <input type="checkbox"/> INA 245(m)			
To be completed by an attorney or accredited representative (if any).					
<input type="checkbox"/> Select this box if Form G-28 is attached.	Volag Number (if any) _____	Attorney State Bar Number (if applicable) _____	Attorney or Accredited Representative USCIS Online Account Number (if any) _____		

Please refer to the USCIS instructions at <https://www.uscis.gov/sites/default/files/document/forms/i-485instr.pdf>.

Is there a video explaining Form I-485?

Yes, please watch this video at <https://www.youtube.com/watch?v=N7ctwUGk2Bs>.

STEP TWO: Attach Evidence Required for Form I-485

Required Evidence:

1. Two Passport Photographs (You **must** submit two recent identical color passport-style photographs of yourself. The photos must have a white to off-white background, be printed on thin paper with a glossy finish, and be unmounted and unretouched.)
2. Government-Issued Identity Document with Photograph (All Form I-485 applicants should submit a photocopy of a government-issued identity document

that has their photograph. Typically, this will be your passport or similar document, even if the passport is now expired.)

3. Birth Certificate (All Form I-485 applicants must submit a photocopy of their birth certificate issued by the appropriate civil authority from their country of birth. This form may need to be translated into English.)

4. Inspection and Admission or Inspection and Parole (You must submit photocopies of documentation showing they were inspected by an immigration officer and either admitted or paroled into the United States.)

5. Documentation of Your Immigrant Category

6. Marriage Certificate and Other Proof of Relationship

7. Evidence of Continuously Maintaining a Lawful Status Since Arrival in the United States

8. Evidence of Financial Support

You must demonstrate that you are not likely to become a public charge. This means you must show that you will be able to financially support yourself as a lawful permanent resident living indefinitely in the United States. Generally, all immediate relative and family-based adjustment applicants (beneficiaries of Form I-129F, Petition for Alien Fiancé(e), and Form I-130, Petition for Alien Relative) must have a Form I-864.

9. Report of Medical Examination and Vaccination Record (Form I-693)

Form I-485 applicants for adjustment of status are required to have a medical examination to show that they are free from health conditions that would make them inadmissible.

Only a USCIS designated civil surgeon can perform this medical examination in the United States.

10. Certified Police and Court Records of Criminal Charges, Arrests, or Convictions

11. Documentation Regarding J-1 or J-2 Exchange Visitor Status (if applicable)

STEP THREE: Filing your Form I-485

- **You MUST attach a filing fee to your application.**
 - Currently, it is \$1,140 but should also include a biometrics fee of \$85, but if filing for a child, the cost is \$750, and the biometrics fee is waived for those under 14 years of age. However, they will still need to come to the appointment.
 - You may pay online if filing your Form I-485 online; if filing by mail, you may pay by money order, personal check, cashier's check, or by credit card, but you will need to use Form G-1450.

If paying by check, you must make the check payable to the U.S. Department of Homeland Security. Do **NOT** abbreviate by using DHS.

Where to File:

Please use the following address for concurrent applications:

Mail your application to:

USCIS Chicago Lockbox

U.S. Postal Service (USPS) deliveries:

USCIS
P.O. Box 805887
Chicago, IL 60680-4120

FedEx, UPS, and DHL deliveries:

USCIS
FBAS
131 South Dearborn, 3rd Floor
Chicago, IL 60603-5517

Please refer to if not filing concurrently <https://www.uscis.gov/forms/all-forms/direct-filing-addresses-for-form-i-485-application-to-register-permanent-residence-or-adjust-status>.

Do NOT forget to sign your form. Unsigned forms will be rejected.

FORM I-130, Petition for Alien Relative

A citizen of lawful permanent resident may file Form I-130 with USCIS to establish the existence of a relationship to alien relatives who wish to immigrate into the United States.

STEP ONE: Fill Out Form I-130

You can find the form at <https://www.uscis.gov/i-130>. Download and fill in the form in either type or black ink. Please refer to <https://www.uscis.gov/sites/default/files/document/forms/i-130instr.pdf> for questions on how to fill it out.

For Form I-130, you as the eligible sponsor for the immediate relative should take these three steps for completing Form I-130.

Who is an eligible sponsor?

Both U.S. citizens and lawful permanent residents can petition to be a sponsor for an alien relative. However, they differ in whom they may sponsor.

U.S. Citizens can sponsor:

- Spouses, children, or parents.

Lawful permanent resident (Green Card holder) can **only** sponsor:

- Spouses or unmarried children under 21 years of age.

There is no visa category for married children of lawful permanent residents. If you are a lawful permanent resident and you filed Form I-130 for your unmarried son or daughter, but your son or daughter marries before immigrating to the United States or adjusting status to lawful permanent resident, USCIS will deny or automatically revoke your petition.

Immigrant visas are immediately available from USCIS for “immediate relatives.”

- Immediate relatives being: spouses, unmarried children under 21 years of age, and parents.

Does approval of this petition mean that my family member is automatically a lawful permanent resident or they can immediately immigrate to the United States?

No. An approved petition does not give the beneficiary automatic lawful permanent resident status or permission to immediately immigrate to the United States.

If you are filing for your spouse, he or she must complete and sign Form I-130A, Supplemental Information for Spouse Beneficiary. If your spouse is overseas, Form I-130A must still be completed, but your spouse does not have to sign Form I-130A. Form I-130A must be submitted with Form I-130.

STEP TWO: Attach Required Evidence for Form I-130

Required Evidence:

If you are a U.S. citizen:

1. A copy of your birth certificate, issued by a civil registrar, vital statistics office, or other civil authority showing that you were born in the United States.
2. A copy of your naturalization certificate or certificate of citizenship issued by USCIS or the former Immigration and Naturalization Service (INS).
3. A copy of Form FS-240, Consular Report of Birth Abroad (CRBA), issued by a U.S. Embassy or U.S. Consulate.
4. A copy of your unexpired U.S. passport; or
5. An original statement from a U.S. consular officer verifying that you are a U.S. citizen with a valid passport.

If you are a lawful permanent resident (Green Card holder):

You must file your petition with a copy of the front and back of your Permanent Resident Card (Form I-551). If you have not yet received your card, submit copies of your passport biographic page and the page showing admission as a lawful permanent resident, or other evidence of permanent resident status issued by USCIS or the former INS.

Documents to prove familial relationship with relative:

A spouse:

- (1) A copy of your marriage certificate.
- (2) If either you were or your spouse was previously married, submit copies of documents showing that each of the prior marriages was legally terminated.
- (3) You must submit two identical color passport-style photographs of yourself and your spouse (if he or she is in the United States) taken within 30 days of filing this petition. The photos must have a white to off-white background, be printed on thin paper with a glossy finish, and be unmounted and unretouched.

In addition to the required documentation listed above, you should submit one or more of the following types of documentation that may prove you have a bona fide marriage:

- (1) Documentation showing joint ownership of property.
- (2) A lease showing joint tenancy of a common residence, meaning you both live at the same address together.
- (3) Documentation showing that you and your spouse have combined your financial resources.
- (4) Birth certificates of children born to you and your spouse together.
- (5) Affidavits sworn to or affirmed by third parties having personal knowledge of the bona fides of the marital relationship.
- (6) Any other relevant documentation to establish that there is an ongoing marital union.

A child and you are the mother:

Submit a copy of the child's birth certificate showing your name and the name of your child.

A child and you are the father:

Submit a copy of the child's birth certificate showing both parents' names, your marriage certificate to the child's mother, and proof of legal termination of the parents' prior marriages, if any, issued by civil authorities

A child born out of wedlock and you are the father:

Submit evidence that you and the mother were married while the child was under 18 years of age, or submit evidence that the child was legitimated under the law of the child's residence or domicile, or under the law of your residence or domicile, before the child reached 18 years of age.

A mother:

Submit a copy of your birth certificate showing your name and your mother's name.

A father:

Submit a copy of your birth certificate showing the names of both parents. Also, submit a copy of your parents' marriage certificate establishing that your father was married to your mother. If either your mother or father were previously married, submit copies of documents showing that each of the prior marriages was legally terminated.

For U.S. citizens **only** please keep in mind the following:

When an immediate relative child reaches 21 years of age, he or she will become a “first preference” (F1) category son or daughter, and will no longer have a visa immediately available.

The age of an immediate child relative is “frozen as of the date the U.S. citizen parent files Form I-130 for them.

If an immediate relative child under age 21 gets married, he or she can no longer be classified as an immediate relative and will become a “third preference” (F3) category visa applicant.

STEP THREE: File Your Form I-130

- **You MUST attach a filing fee to your application.**
 - Currently, \$535; however, you should verify the current fee for your application at <https://www.uscis.gov/i-130>.
 - You may pay online if filing your Form I-130 online; if filing by mail, you may pay by money order, personal check, cashier’s check, or by credit card, but you will need to use Form G-1450.
 - If paying by check, you must make the check payable to the U.S. Department of Homeland Security. Do **NOT** abbreviate by using DHS.

You can file your Form I-130 online or by mail; if filing by mail, please refer to the following link for the correct address <https://www.uscis.gov/i-130>.

Please use this address for concurrent applications:

Mail your application to:

USCIS Chicago Lockbox

U.S. Postal Service (USPS) deliveries:

USCIS
P.O. Box 805887
Chicago, IL 60680-4120

FedEx, UPS, and DHL deliveries:

USCIS
FBAS
131 South Dearborn, 3rd Floor
Chicago, IL 60603-5517

Please refer to <https://www.uscis.gov/i-130-addresses> for nonconcurrent applications.

What if I have been married less than two years?

If you have been married less than two years on the date your spouse has obtained permanent resident status, USCIS will grant your spouse conditional permanent

resident status for two years. USCIS then requires both you and your spouse to file Form I-751, Petition to Remove Conditions on Residence, during the 90-day period immediately before your spouse's conditional permanent resident status expires.

If your spouse fails to timely file Form I-751 to remove the conditional basis of his or her spouse's permanent resident status, USCIS will terminate his or her permanent resident status and begin removal proceedings.

What do I do if my immediate relative is outside the United States?

Your I-130 petition must first be approved by USCIS. Your relative will then undergo consular processing. USCIS will be working with the Department of State to issue their visa.

When a visa becomes available, your relative will receive instructions from the National Visa Center (NVC) on how to apply for an immigrant visa via electronic submission. The relative may then travel on the visa into the U.S. and will become a permanent resident when admitted at a U.S. port of entry.

What if my Relative moves during their petition?

A petitioner who is not a U.S. citizen must notify USCIS of his or her new address within 10 days of moving from his or her previous residence. For information on filing a change of address, go to the USCIS website at www.uscis.gov/addresschange or contact the USCIS National Customer Service Center at 1-800-375-5283. For TTY (deaf or hard of hearing) call: 1-800-767-1833.

What if I need help with my application?

Current members of the military and their families, as well as veterans, may call the USCIS toll-free military helpline at 877-CIS-4MIL (877-247-4645, TTY 800-877-8339) or by sending an e-mail to militaryinfo@uscis.dhs.gov. Representatives can answer your questions Monday through Friday from 0800 AM - 1600 PM CST, excluding federal holidays.

You can also find guidance on how to fill out your forms at <https://www.uscis.gov/forms/filing-guidance/form-filing-tips> and <https://www.uscis.gov/forms/filing-guidance>.

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This Information Paper provides only basic information and is not intended to serve as a substitute for personal consultation with a Legal Assistance Attorney. To schedule an appointment with a Legal Assistance Attorney, please contact the Legal Assistance Office at (580) 442-5058. The Fort Sill Legal Assistance Office is located on the 4th Floor of Building 4700 (Welcome Center) at 4700 Mow-Way Road, Fort Sill, Oklahoma 73503.