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# Immediate Relative & Family Preference

## Family Based Immigration

A foreign citizen seeking to live permanently in the United States requires an immigrant visa (IV). To be eligible to apply for an IV, a foreign citizen must be sponsored by an immediate relative who is at least 21 years of age and is either a U.S. citizen or U.S. Lawful Permanent Resident (that is, a green-card holder).

## Immediate Relative v. Family Preference

There are two types of family-based immigrant visas:

**Immediate Relative** – these visas are based on a close family relationship with a U.S. citizen, such as a spouse, child or parent. The number of immigrants in these categories is not limited each fiscal year.

**Family Preference** – these visas are for specific, more distant, family relationships with a U.S. citizen and some specified relationships with a Lawful Permanent Resident (LPR). The number of immigrants in these categories is limited each fiscal year.

# US Citizen Petitioner

Keep in mind that U.S. citizens can file an immigrant visa petition for their:

- Spouse
- Son or daughter
- Parent
- Brother or sister

# Permanent Resident Petitioner

U.S. Lawful Permanent Residents can only file an immigrant visa petition for their:

- Spouse
- Unmarried son or daughter

# Family Unification

Family unification is an important principle governing U.S. immigration policy. The family-based immigration system allows U.S. citizens and LPRs to bring certain family members to the United States. Family-based immigrants are admitted either as immediate relatives of U.S. citizens or through the family preference system.

An unlimited number of visas are available every year for the immediate relatives of U.S. citizens. Prospective immigrants in this category must meet standard eligibility criteria, and petitioners must meet certain age and financial requirements. Immediate relatives are:

- spouses of U.S. citizens;
- unmarried minor children of U.S. citizens (under 21 years old); and
- parents of U.S. citizens (petitioner must be at least 21 years old to petition for a parent).

A limited number of visas are available every year under the family preference system. Prospective immigrants in the family preference system must meet standard eligibility criteria, and petitioners must meet certain age and financial requirements. The family preference system includes:

- adult children (married and unmarried) and brothers and sisters of U.S. citizens (petitioner must be at least 21 years old to petition for a sibling); and

- spouses and unmarried children (minor and adult) of LPRs.

In order to balance the overall number of immigrants arriving based on family relationships, Congress established a complicated system for calculating the available number of family preference visas for any given year. The number is determined by starting with 480,000 (the maximum number in principle allocated for all family-based immigrants) and then subtracting the number of immediate relative visas issued during the previous year and the number of aliens “paroled” into the United States during the previous year. Any unused employment preference immigrant numbers from the preceding year are then added to this total to establish the number of visas that are available for allocation through the family preference system. However, by law, the number of family-based visas allocated through the preference system may not be lower than 226,000. The number of immediate relatives often exceeds 250,000 in a given year and triggers the 226,000 minimum for preference visas. As a result, the total number of family-based visas often exceeds 480,000. In Fiscal Year (FY) 2019, family-based immigrants comprised 68.8 percent of all new LPRs in the United States.

## LINKS

### **USCIS--Bringing Your Parents to the US**

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