

Family-Based Immigration Pathways for Afghan Arrivals

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There are two types of family-based immigrant visas:

1. Immediate Relative

- These visas are based on close family relationships with US citizens (spouse, child, or parent)
- The number of green cards available for this category are unlimited and immediately available following approved I-485 Adjustment of Status applications

2. Family Preference

- These visas are for specific, more distant family relationships with a US citizens and some relationships with legal permanent residents
- The number of green cards available for this category are limited for each year and I-485 applications must be submitted based on availability

Eligibility Overview: The United States makes green cards available to family members of U.S. citizens and legal permanent residents (including those who adjusted from SIV status). The nature of the relationship determines how long an applicant will have to wait for a visa to become available.

Status of Family Member in the US	Qualifying Family-Based Immigrants	Process
United States Citizen	Spouse, children, parents, siblings	File I-130 : visas immediately available for spouse via I-485 application , unmarried children under 21, and parents – other children and siblings will wait based on preference category
Lawful Permanent Resident	Spouse and unmarried children	File I-130 : visas immediately available for spouses and unmarried children under the age of 21 via I-485 application , but wait for visa to become available for unmarried children over the age of 21

A pending or approved I-130 alone does not grant a parolee status to remain in the United States past expiration of their parole. But a parolee CAN stay in the U.S. with a pending I-485, or combination of pending I-130 and I-485 filed simultaneously for immediate relatives.

Application Process

1. Family member files Form I-130 Petition for Alien Relative

- [This form](#) establishes family member's relationship to an eligible relative who wants to remain in the U.S. permanently and obtain a green card
- Online filing recommended
- Submit evidence of U.S. citizenship, LPR/SIV status, evidence of family relationship (marriage or birth certificate), additional evidence for marriage-based petitions, and two passport photos
- Filing fee is \$535: this fee cannot be waived

2. USCIS approves I-130

- Check [DOS visa bulletin](#) to determine the availability of visas before filing the I-485
- Remember immediate relatives will not have to wait for a visa to become available, but family preference relationships will
- An I-130 and I-485 may be filed simultaneously for an immediate relative who is not in removal proceedings

3. Submit Form I-485 & Complete Process

- Fill out & submit [Form I-485](#), Application to Register Permanent Residence or Adjust Status
- If Applicable, fill out & submit [Form I-864](#), Affidavit of Support Under Section 213A of the INA
- If Required, attend biometrics appointment and/or interview.