

Family-Based Green Cards

Family based immigration helps unite families who want to be together in the United States. This system allows U.S. citizens and lawful permanent residents to petition for family members to receive their green cards. However, not all relatives are able to petition for one another, which makes the family based system a little complicated. Before you attempt to petition for a family member, it is very important to understand if you qualify to petition for your relative.

Family-Based Immigration Categories

Immediate Relatives or Priority System

In family based immigration, all relatives are divided into two categories:

- Immediate Relatives of United States citizens
- Priority System relatives

Both categories have their own advantages and disadvantages. But don't try to make sense of these rules; they don't necessarily follow logic.

Immediate Relatives of United States Citizens

Who are Immediate Relatives?

To petition for a family member to receive a green card as an Immediate Relative, you must be a United States citizen. If you are a United States citizen, you may petition for these family members:

- Your husband or wife
- Your unmarried children (under the age of 21)
 - A step-parent may petition for their step-child if he or she married the child's parent before the child turned 18.

- A child can also include an adopted child if the adoption* is completed before the child turns 16.
 - Sometimes you can petition for your adopted child's sibling if the sibling is under 18 and both children will have the same adoptive parents.
- Your parents

Note: you must be 21 years or older to apply for a parent

CAUTION:

*The process of adopting a child and later getting that child a green card is incredibly complicated. You should NEVER try doing it yourself. You risk losing a great deal of money, and you risk putting your adoptive child into deportation.

Advantages of the Immediate Relatives Category

The advantage of qualifying as an Immediate Relative in the Immigration system is that there is no limit to how many Immediate Relatives can immigrate to the United States each year.

Literally, if a million United States citizens marry a million people from other countries next year, all one million could potentially immigrate to the United States.

Disadvantages of the Immediate Relatives Category

Unfortunately, if a United States citizen petitions for his or her Immediate Relative, the application is limited to that one family member. Unlike the Priority System, the Immediate Relatives category does not allow derivatives to be included on the same petition. Derivatives include children (who are unmarried and under the age of 21) and spouses.

For Example:

If a U.S. citizen wants to petition for her mother and father, she has to apply for each of them separately because Immediate Relatives may not include spouses in their green card applications.

Likewise, Immediate Relatives cannot bring their children. That means that if a U.S. citizen applies for his mother and father, neither his mother nor his father can bring their children. Practically, in this scenario, often a United States citizen applies for

his parents, but his siblings apply for their green cards through someone else because siblings do not fall in the Immediate Relative category.

Priority System Relatives

Who are Relatives in the Priority System?

In the Priority System, both lawful permanent residents and United States citizens can petition for qualifying family members.

If you are a lawful permanent resident, you can apply for the following Priority System relatives:

- Your husband or wife
- Your unmarried children
 - Lawful permanent residents can apply for a child regardless of the child's age, however the child must remain unmarried until the day he gets his green card. If the child of a lawful permanent resident marries before becoming a lawful permanent resident, that child cannot get a green card through a lawful permanent resident parent. No exceptions. Practically, this means that lawful permanent resident parents who petition for a child should consider becoming a United States citizen before the child marries.
 - Immigration defines a "child" in a specific way. A child can include a step-child if the child's parent marries a U.S. citizen before the child turns 18. A child can also be an adopted child if the adoption was completed before the child turned 16.

If you are a United States citizen, you can apply for the following Priority System relatives:

- Your adult children
 - An adult child of a US citizen is any child of a United States citizen who is over the age of 21 or who is married. An adult child can include a step-child if the child's parent married a United States citizen before the child turned 18. A child can also be an adopted child if the adoption was completed before the child turned 16.
- Your brothers and sisters

- The U.S. citizen must be at least 21 years old before he or she can file for a brother or sister.
- Half-siblings are also able to petition for one another under the same rules of the Priority System.

Advantages of the Priority System

The advantage of the Priority System is that the relative for whom you petition can immigrate along with derivatives, that is, with his or her spouse and unmarried children under the age of 21. In other words, it is sort of like an application for relatives and their whole family.

Example: Let's say a United States citizen named John applies for his brother, George. You know from reviewing the above lists, that a brother falls into the priority system rather than the immediate relative system. This means that John can apply for his brother George's green card, along with George's wife and children (if the children are under 21 and unmarried). There are no additional forms and no additional initial fees. In immigration vocabulary, the brother of a United States citizen (George) would be called the "primary beneficiary" and his wife and children are called "derivatives". In other words, a spouse or children "derive", or get their benefit through the primary beneficiary.

REMEMBER:

If your children are included on your immigrant visa petition as derivatives, they must be unmarried and under the age of 21 when you get your green cards (not just when you apply). If your children turn 21 or marry before getting their green cards, they can't immigrate with you. There is a way to lower a child's age called the "Child Status Protection Act." This process is very complicated, and you will need the help of your attorney to walk you through it.

Disadvantages of the Priority System

The disadvantage of the Priority System is that the United States puts an annual limit on how many relatives in each category can get green cards. Consistently, more people apply for green cards through the Priority System than the United States allows each year. This creates a backlog. Some categories of family members in the Priority System are more backlogged than others and some countries are more backlogged than others. In other words, some people in the Priority System

have to wait many years before they can get green cards.

Waiting Time for the Priority System

Immigration assigns each person in the Priority System something called a priority date. You have to wait to get your green card until Immigration is processing people with your priority date. Unfortunately, checking priority dates is confusing, and if done incorrectly, it can put you in deportation. Please rely on the help of an experienced immigration attorney to determine when your priority date is current.

Civil Documents by Country

The U.S. Department of State provides a list of acceptable documents on their website for each country that has a relationship with the United States. For example, if you are looking for what documents you need to prove a marriage, start by selecting your country and then scroll until you see the marriage certificate section. There you will find the documentation you need to give U.S. Immigration that is specific to your country. This resource can also be helpful if you need to find out how to get a copy of a divorce, birth, adoption, or death certificate from your home country.

Frequently Asked Questions

Last updated on July 02, 2025.

Can I petition for my grandparent?

Unfortunately, no. You cannot apply for your aunts, uncles, grandparents, grandchildren, nieces, nephews and cousins. They would have to apply through the qualifications of the priority system or have an immediate relative, according to immigration, petition on their behalf.

Is there a waiting time for Immediate Relatives of U.S. citizens?

No, Immediate Relatives of United States Citizens are granted a visa immediately with their petition's approval. Remember, a visa is only the first stage of the process. They will not get their green card until they either adjust status or complete consular processing.

How do I renew my green card?

Glad you asked. Learn more in our [Green Card Renewal](#) article.

[Green Cards Options for Status, Visas, Permits & Papers](#)

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