



LEGAL AID
SOCIETY OF HAWAI'I



IMMIGRATION:

FAMILY-BASED IMMIGRATION



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Family-based Immigration

Many people obtain their *green card* status through family members. You may apply for a family member if you are in the United States (*adjustment of status*) or overseas (*visa processing*).

- A **United States citizen** can apply for his/her spouse, for unmarried children under the age of 21, or for parents (if the current citizen is age 21 or over). These are *immediate relatives*. An immediate relative can generally get his/her green card in the United States after filing the requisite applications. The time it takes to process an application depends on where the relative is living. If the application is for a family member living overseas, this will take about a year.
- A **United States citizen** can also apply for both married and unmarried sons and daughters over the age of 21, or for siblings. However, these are *preference category relatives*. There will be a waiting period before they will be admitted as green card holders. Unless the family member who is being applied for is already in valid immigration status, he/she cannot adjust status in the United States. If the application is for a family member overseas, this will take a number of years.
- A current **green card holder** can apply for his/her spouse, for unmarried children under the age of 21, or for unmarried sons and daughters over the age of 21. These are also *preference category relatives*. There will be a waiting period before they will be admitted as green card holders. Unless the family member who is being applied for is already in valid immigration status, he/she cannot adjust status in the United States. If the application is for a family member overseas, this will take a number of years.

Immediate relatives of U.S. citizens have to wait only for the time it takes to process their immigrant visa to come to the United States. This is usually about one year.

Other relatives of U.S. citizens and green card holders must wait to have a visa available in their particular category before they can come to the United States. This is usually more than a year, as the beneficiary must wait for the visa to become available in addition to the processing time.

A non-family member generally must have been admitted and inspected into the United States. The non-family member generally must be in valid immigration status in the United States, and must have a visa immediately available to them at the time of filing.

In all cases, a family member must not be *inadmissible* to the United States. Inadmissibility means the family member must not have done anything that United States Citizen and Immigration Services (USCIS) considers a violation barring admission to the U.S. For example, if a non-U.S. citizen has committed certain crimes, he/she may be inadmissible to the United States.

**For a *determination of inadmissibility* you may contact the
Hawai'i Immigrant Justice Center (HIJC) at the Legal Aid Society of Hawai'i.**

Hawai'i Immigrant Justice Center *at the*
Legal Aid Society of Hawai'i

www.hijcenter.org
www.legalaidhawaii.org

Legal Aid's Hotline:

O'ahu: 808.536.4302
Neighbor Islands: 1.800.499.4302

REMEMBER:

This is meant to provide general information, and does not provide specific legal advice about your individual case. The law often changes. Each case is different.