

If You Pay for Immigration Assistance

If you are paying someone to help you with your immigration matter, know that you have the right to demand a written contract (in English and in your primary language) identifying all costs to be paid and services to be performed. The contract should include the name, address, and phone number of the person or business providing the immigration assistance to you. Also, you have the right to demand the return of any original documents that belong to you, including passports, green cards, and birth certificates. Additionally it is recommended that you ask for a copy of everything the lawyer is sending to USCIS on your behalf.

Be aware that there are immigration service providers, such as individuals who call themselves “notarios” or “experts”, who charge fees for services that they may not be qualified to provide. In some cases, these non-lawyers are practicing law illegally. It is common for such persons to file false or inaccurate applications with the USCIS on your behalf, and the consequences for you may be severe – you may even end up in removal (deportation) proceedings. To avoid these problems, if you need an immigration attorney call the NYC Bar Association Hotline at (212) 626-7373. If you already have an attorney, you can make sure that he or she is licensed to practice law in New York State by calling the NYC Bar Association Hotline, or by looking up the attorney’s name at: <http://iapps.courts.state.ny.us/attorney/AttorneySearch>.



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Where to Get FREE Help with Your Family-Based Permanent Residence

CUNY has centers that offer FREE assistance with family-based permanent residence cases and other immigration related cases. For the closest clinic in your area, see the list below. Contact us for an appointment.

CUNY Immigration Centers* Please call for an appointment

City College Immigration Center

(212) 650-6620
North Academic Center, Room 1-206
138th Street and Convent Avenue, New York, NY 10031

City Tech Immigration Center

(718) 260-5597
Department of Law and Paralegal Studies, Room N-622
300 Jay Street, Brooklyn, NY 11201

College of Staten Island, El Centro, and Project

Hospitality Immigration Center**
(718) 273-6737
The Help Center, 514 Bay Street, Staten Island, NY 10301

CUNY Express Immigration Center

(212) 568-4692
560 West 181st Street, New York, NY 10033

Flushing Immigration Center

(718) 640-9223
39-07 Prince Street, 2nd Floor, Flushing, NY 11354

Hostos Community College Immigration Center

(718) 518-4395
427 Walton Avenue, T-501, Bronx, NY 10451

LaGuardia Community College Immigration Center**

(718) 482-5139
International Students Office, Room M-166
31-10 Thomson Avenue, Long Island City, NY 11101

Medgar Evers Immigration Center**

(718) 270-6294
1150 Carroll Street, Brooklyn, NY 11225

York College Immigration Center

(718) 262-2983
Welcome Center Atrium
94-20 Guy R. Brewer Boulevard, Jamaica, NY 11451

*All Services are FREE

**Part-time centers

For more information, please visit our website:

www.cuny.edu/citizenshipnow

GET YOUR GREEN CARD THROUGH A RELATIVE



**FREE Immigration
Services for the
People of New York**

www.cuny.edu/citizenshipnow

FAMILY-BASED PERMANENT RESIDENCE

Overview

A lawful permanent resident (a green card holder) is a foreign national who is authorized to live and work permanently in the United States. If you want to become a lawful permanent resident based on the fact that you have a relative who is a U.S. citizen or a lawful permanent resident and this relative is willing to sponsor you, you must go through a multi-step process. Immigrant visas (green cards) based on family are distributed according to two classifications: the immediate relative category and the family-sponsored preference category. (See “Classifications”). Your classification depends on the legal status of the family member who is petitioning for you (U.S. citizen or lawful permanent resident) and your relationship to that family member. The length of time that you may have to wait to receive an immigrant visa depends on the classification you belong to and your country of birth.

Classifications

There are two classifications of family-based immigrant visas:

1. Immediate Relatives: a parent of a U.S. citizen (the U.S. citizen must be 21 years of age or older); a spouse of a U.S. citizen; a child of a U.S. citizen (the child must be unmarried and under 21 years of age). An immigrant visa is immediately available to immediate relatives.
2. Family-Sponsored Preference Categories: there are four family-sponsored preference categories (See below). An immigrant visa is not immediately available to those in a family-sponsored preference category because only a certain number of immigrant visas are made available every year to each preference category.
 - First Preference: unmarried adult sons and daughters of U.S. citizens. (‘Adult’ means 21 years of age or older.)
 - Second Preference: spouses of lawful permanent residents and unmarried children of lawful permanent residents.
 - Third Preference: married sons and daughters of U.S. citizens.
 - Fourth Preference: brothers and sisters of adult U.S. citizens. (‘Adult’ means 21 years of age or older.)

The Process

- First, the United States Citizenship and Immigration Services (USCIS) must approve an immigrant visa petition, Form I-130 – Petition for Alien Relative. This petition is filed by your relative (the Petitioner) and must be accompanied by various supporting documents, including proof of your relative’s status as a U.S. citizen or lawful permanent resident and proof of your relative’s relationship to you (the Beneficiary).

If you are in the United States, the USCIS will notify you and the petitioning family member when the petition is approved and when an immigrant visa becomes available to you.

If you are outside the United States, the USCIS will notify you and the petitioning family member when the petition is approved. Then, the USCIS will send the approved visa petition to the Department of State’s National Visa Center (NVC), where it will remain until an immigrant visa becomes available to you. The NVC will notify you and the petitioning family member when an immigrant visa number becomes available to you. You need only contact the NVC to notify them of a change of address or any change of yours or the petitioning family member’s personal situation that may affect eligibility for an immigrant visa, such as reaching age 21, marriage, divorce, or death of a spouse.

NOTE: If you are applying for lawful permanent residence in the United States, do not follow the instructions provided by the NVC because the process is entirely different.

- Second, after the USCIS approves your immigrant visa petition, the State Department must assign you an immigrant visa number (even if you are already in the United States). Your immigrant visa number is set on the date that the USCIS receives your Form I-130 application. Depending on the preference category under which your immigrant visa petition was approved and your country of birth, your immigrant visa may be immediately available to you or you may have to wait for one to become available to you. If you must wait, then you are placed in the queue for an immigrant visa and you can apply to be a lawful permanent resident only after your number gets to the front of the queue (after it is “current”). You can check the Department of State’s Visa Bulletin at http://travel.state.gov/visa/frvi/bulletin/bulletin_1360.html to see if an immigrant visa is available to you.

- Third, after an immigrant visa becomes available to you, you must apply for permanent resident status.

If you are in the United States when an immigrant visa becomes available to you and you are eligible to apply to adjust to permanent resident status without having to leave the United States, you must file Form I-485 “Application to Register Permanent Residence or Adjust Status” with supplemental forms and supporting documents. To be eligible to adjust your status within the United States, you must have maintained your status continually since your last lawful admission into the United States. There are two exceptions: (1) if there was a petition filed for you prior to April 30, 2001, you may be able to take advantage of an old law (245i) and adjust your status even if you have certain immigration violations, such as working without authorization or overstaying your visa; (2) if you are an immediate relative of a U.S. citizen, you may be able to adjust your status even if you have certain immigration violations, such as working without authorization or overstaying your visa.

If you are outside the United States when an immigrant visa number becomes available to you, you will be notified to go to the local U.S. Consulate to complete the processing for an immigrant visa.

Consequences – If You Leave the U.S. After Being Here Illegally for More Than Six Months / More Than One Year

If you are in the United States without permission (undocumented), and a petition was filed on your behalf after April 30, 2001, you are not eligible to adjust your status from inside the United States. You must return to your home country to process your paperwork through the U.S. Consulate there.

BEWARE: If you are out of status or you entered the United States without inspection, and you leave the United States for any reason (even a visa interview), you may face a severe penalty! A person who has been here without permission for more than 180 days is barred for three years from returning to the United States once they leave. A person who has been here without permission for more than one year is barred for ten years from returning to the United States once they leave. Waivers are available, but they are very difficult to get.