

Lawful Permanent Resident Status (LPR or “Green Card Holders”)

There are two main routes to get Legal Permanent Resident Status (a green-card):

1. Family Sponsorship
2. Employer Sponsorship

Other routes:

- Self-Sponsorship: Victims of Domestic Violence
- Self-Sponsorship: Victims of Trafficking
- The Diversity Lottery
- Refugees
- Asylees
- Humanitarian Parole
- Humanitarian Relief.

Family Sponsorship

Family-based sponsorship is a two-step process:

1. A U.S. citizen or LPR files a petition for their family member(s).
2. The family member (“beneficiary”) applies to immigrate and obtain a visa. This can take place either in the U.S. through adjustment of status or at the U.S. consulate in the country of origin.

A. **U.S. Citizens can petition for:**

- a spouse,
- parents*
- children (any age, married or unmarried)
- siblings*

*U.S. citizens cannot sponsor parents or siblings until they are over 21. There is no age limit to sponsor a spouse.

Note: **Immediate relatives** -parents and unmarried children under 21, there is no annual limit on the number of visas available and the wait may be only a few months. Others fall under the preference system to obtain a visa- see below for more information.

B. **LPRs can petition for:**

- Spouse
- children (any age, unmarried only)

All relatives of LPRs fall under the **preference system**. These preference categories can determine the likely wait for a visa. Even if one is immediately eligible for a visa, one needs to wait for one to be available. It is common for waits to be 7 –15 years for relatives who fall under preference system.

C. **Adjustment of Status**

When a visa becomes available, the immigrant may apply to become an LPR. If the immigrant is already in the U.S. **and was lawfully-admitted** (such as on a non-immigrant visa or was able to get their status here, i.e., Temporary Protected Status), they may qualify for an “adjustment of status” so that they do not need to leave the country to obtain an immigrant visa.

i. **To Apply – If Already in U.S. and Lawfully Admitted**

- **Step One** – Your U.S. citizen family member (sponsor) must file the [Form I-130](#), Petition for Alien Relative, for you and it must be approved. You must wait for your “priority date” in your immigrant visa category to become current. Your priority date is the date when the Form I-130 is properly filed (with correct fee and signature) on your behalf by your U.S. citizen relative.
- **Step Two** – Once the priority date in your visa category is current, you may file for Adjustment of Status with [Form I-485](#), Application to Register Permanent Residence or Adjust Status.

ii. **To Apply – If outside the U.S.**

- For this group becoming a permanent resident is completed through “consular processing”. Consular processing is when the U.S. Citizenship and Immigration Services works with the U.S. Department of State to issue a visa on an approved Form [I-130](#) petition once a visa is available. In this process the Department of State will issue you a visa. If approved, you may then travel on the visa and will officially become a permanent resident when admitted at a U.S. port of entry. [More information](#).

(This section adapted from:

<http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=f63da6c515083210VgnVCM10000082ca60aRCRD&vgnnextchannel=f63da6c515083210VgnVCM10000082ca60aRCRD> retrieved 7/15/10)

Employer Sponsorship

A U.S. employer may sponsor someone for a specific position where there is a demonstrated absence of U.S. workers. Most employment based aliens must obtain a “Labor Certification” from the U.S. Department of Labor, that verifies that no American worker is available and qualified to take the job.

Self-Sponsorship: Victims of Domestic Violence

Battered spouses can self-sponsor under the federal Violence Against Women Act (VAWA). These people are already present in the U.S. and might otherwise be required to rely on the batterer to petition and therefore be vulnerable to exploitation based on their immigration status. Through the Violence Against Women Act, victims of domestic violence who were abused by USC or LPR and married to USC or LPR, are eligible to apply for their own green card.

Self-Sponsorship: Victims of Trafficking

People who are coerced into coming to this country (not of their own volition) may be considered trafficking victims. They could be eligible for a T-Visa which is a non-immigrant visa. After three years, they can be eligible to apply for their green card.

The Diversity Lottery

There are about 50,000 additional visas available each year through a lottery system (though there is no guarantee that the program will continue). This program is designed to increase the diversity of countries from whom we admit immigrants. Eligibility depends on the country of origin (not all countries receive diversity lottery slots) and requires at least a high school diploma. If one is already legally present in the U.S. one may apply, but it is not a remedy for being undocumented.

Refugees

Refugees are those who must flee their country due to fear of persecution based on five internationally recognized grounds. These grounds are: race, religion, political opinion, membership in a social group or national origin. These immigrants receive their status before entering the U.S. and usually are at least somewhat sponsored by a refugee organization that offers some settlement aid. Refugees do not automatically receive a green card- they must apply after one year of having refugee status.

Asylees

Asylees are similar to refugees, but they either seek asylum upon entering the U.S. or apply for the status within one year of arrival. Those that win asylum status can apply for a green card after one year of receiving that status. If one loses the asylum case he or she is deportable. Many people at this point stay and become fugitives. Only a small percentage of asylum cases are granted. Those who are free pending a decision have a very difficult time getting work authorization. Prior to 1997 it was much less difficult. One tip- if USCIS fails to respond to them within 180 days they are entitled to work authorization.

Detention- Some come to the U.S. with false documentation (often because that is the only way to escape their country) and request an on the spot interview, called the “credible fear” interview. If one has entered with fraudulent documents they will remain in detention pending their case. Those in detention have to hire and pay their own lawyers or represent themselves and it is very difficult to get representation in detention. Most detainees end up representing themselves.

Humanitarian Parole

Humanitarian Parole is very rare and can only be requested for people outside of the U.S. Typical examples of this status are when refugee quotas are exhausted and the U.S. is willing to let in more refugees from a war or natural disaster (such as the tsunami), or when a spouse is in danger overseas. There is a time limit for the duration of stay of a maximum of one year, though individual cases may be shorter. This is NOT an option for, as an example, an undocumented parent of an ill U.S. citizen child.

Humanitarian Relief

This differs from Humanitarian Parole in that it is for those already in the country. This is granted on a very limited basis. It might be an option for undocumented a parent with a seriously ill U.S. citizen child for example. This status is granted at the discretion of the U.S. Citizenship and Immigration Service. Some forms of humanitarian relief mean you cannot apply for a green card. U.S. Congressional offices are the most helpful resource to request Humanitarian Relief.