

# OVERVIEW OF THE I-130



**MELTZER HELLRUNG**  
IMMIGRATION SOLUTIONS

## OVERVIEW OF THE FAMILY-BASED GREEN CARD

U.S. citizens and legal permanent residents (green card holders) can sponsor family members for green cards.

### U.S. CITIZENS ARE ABLE TO SPONSOR THE FOLLOWING RELATIVES FOR GREEN CARDS:

- ⇒ Spouse
- ⇒ Unmarried children of any age
- ⇒ Married sons or daughters
- ⇒ Brothers and sisters (if U.S. citizen is over 21)
- ⇒ Mother or father (if U.S. citizen is over 21)

Immediate family members of U.S. citizens are always immediately eligible for the green card. Immediate family members are defined as the spouse, unmarried child under 21 years of age, and parents of U.S. citizens.

### LEGAL PERMANENT RESIDENTS ARE ABLE TO SPONSOR THE FOLLOWING RELATIVES FOR GREEN CARDS:

- ⇒ Spouse
- ⇒ Unmarried children of any age

### THE REMAINING FAMILY-BASED SPONSORSHIP FALL INTO 4 MAIN PREFERENCE CATEGORIES:

- ⇒ **F1:** Unmarried sons and daughters of U.S. citizens
- ⇒ **F2:** Spouses and children of legal permanent residents and unmarried sons and daughters of permanent residents
- ⇒ **F3:** Married sons and daughters of U.S. citizens
- ⇒ **F4:** Brothers and sisters of adult U.S. citizens

For cases that fall under these preference categories, visa numbers may not be immediately available, and applicants will need to refer to the [visa bulletin](#) for priority dates.

## I-130 APPLICATION PROCESS

### 1 Individual opens a case with Meltzer Hellrung



**IN ORDER TO OPEN A CASE, WE NEED THE FOLLOWING INFORMATION:**

- Name of U.S. citizen or legal permanent resident sponsor
- Name of relative to receive green card
- Email address of relative to receive green card

### 2 Meltzer Hellrung reaches out to the U.S. citizen or legal permanent resident sponsor and the relative to receive the green card to complete an online questionnaire and provide the required documentation



We will email the instructions to complete this step.

### 3 Review of documentation



Family-based green cards require evidence of a bona fide relationship. A bona fide relationship is one that is real and true, and not one for the purpose of circumventing immigration laws. For children and parents, this typically just requires a birth certificate. For spouses, additional evidence of the bona fide relationship is required, including photos, joint accounts, etc.

### 4 Meltzer Hellrung drafts all necessary forms and letters to file the I-130 petition



We will forward these forms to both the sponsor and the sponsored relative. This step may require multiple rounds of document edits depending on the complexity of the case.

### 5 Once all forms and letters have been finalized and all required documentation provided, Meltzer Hellrung will ship the completed petition to United States Citizenship and Immigration Services (USCIS)



Once the sponsor and applicant approve the forms, Meltzer Hellrung will file the application with USCIS. Approximately 2 weeks after USCIS has received the filing USCIS will issue receipt notices in relation to the filing.

## 6 USCIS review of the I-130 petition

Generally, USCIS takes several months to process I-130 petitions. Premium processing is not available for I-130 applications. Once filed, USCIS may not immediately approve a petition. USCIS may first issue a Request for Evidence (“RFE”). Should an RFE be issued, USCIS provides about three months to respond. If we receive an RFE, we will analyze the RFE and reach out to the respective parties with a list of documents needed. Once received, we will draft the response and submit to USCIS. Once submitted, USCIS typically issues a decision within 60–90 days.



## 7 Post filing outcomes

### Approval

USCIS will approve I-130 petition and will issue an I-797 approval notice.

### Denial

USCIS can determine that the I-130 petition is not approvable. Typically, an RFE is issued prior to a denial. If USCIS denies the I-130 petition, a written decision is issued outlining the reasons for denial. If a denial is received, Meltzer Hellrung, the sponsor, and the sponsored relative will have a post-decision call to determine if there were any deficiencies in the application and the recommended next steps for moving forward.



## 8 Application for physical green card

When an individual’s priority date, which is the date that the I-130 was filed, becomes current, that person can file an application to get the physical green card. There are two ways to file for the green card: first, by adjusting status inside the United States, and second, by filing for an immigrant visa at a consulate outside the U.S. and second, by filing for an immigrant visa at the consulate outside the United States.

For immediate relatives of U.S. citizens, or if the priority date is current when filing the I-130, the I-485 to adjust status can typically be filed concurrently with the I-130. There may be an additional wait time for applicants depending on the dates listed on the visa bulletin in any given month.



## I-130 APPLICATION DOCUMENT REQUEST OVERVIEW



### DOCUMENTS TO BE PROVIDED BY SPONSOR:

- Proof of U.S. citizenship or legal permanent resident status — Passport, birth certificate, naturalization certificate, copy of green card, etc.
- Proof of relationship — birth certificate or marriage license
- Divorce decrees or death certificates for prior marriages (if applicable)
- Evidence of income for affidavit of support
  - 3 most recent tax returns
  - Most recent W-2s
- 1 passport photo

### DOCUMENTS TO BE PROVIDED BY SPONSORED RELATIVE:

- Proof of bona fide relationship for marriage-based cases
  - Joint financial accounts, such as bank statements, credit cards, 401(k), investments, etc.
  - Photos together including wedding, vacations, family celebrations, etc.
  - Mortgage/lease listing both individuals
  - Health insurance benefits
- Non-blank pages of passport
- Documentation of any previous U.S. immigration status (e.g. I-797 approval notices, electronic I-94 if already in the U.S., I-20s, DS-2019s, etc.)
- Birth certificate with both parents' names listed
- Name change documentation (if applicable)