



# The First Step to Petitioning for an Immediate Relative

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This guide describes the initial step to petitioning for an immediate relative. Please consult an attorney for your particular situation.

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## The first step to petitioning for an immediate relative

A United States citizen may “petition” for an immediate relative, which is a parent, spouse, or unmarried children under the age of 21. The petition, form I-130 – Petition for Alien Relative, is sent to United States Citizenship and Immigration Services ([USCIS](#)) for processing. The I-130 establishes a legitimate familial relationship between the person who filed (the petitioner) and the immediate relative (the beneficiary).

An immediate relative has a great advantage over other relatives because being classified as an immediate relative prevents the beneficiary from having to wait for what can be more than 10 years for the priority date to become current. The beneficiary cannot apply for residency until the priority date on the I-130 becomes current.

The I-130 requires specific biographical information about the petitioner and the beneficiary, and is submitted with proofs documenting that the relationship is legitimate and not only for immigration benefits. Evidence typically sent with the I-130 includes birth and/or marriage certificates, bill/statements including both names of the spouses, photos, receipts, or any other documentation needed to show that a familial relationship exists.

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## What happens once USCIS receives the I-130 along with the proofs?

Once USCIS receives the I-130 along with the proofs, they send a receipt notice within 2-3 weeks. If USCIS feels the evidence of a familial relationship was not sufficient, they may respond to the petitioner with a Request for Evidence.

Processing times vary, but it typically takes 3-8 months for an I-130 to be approved. Once the I-130 is approved, the beneficiary can begin the process of applying for permanent residency, which is Step 2. The manner in which the beneficiary can obtain their residency (green card) varies depending on their immigration history.

## Additional Resources

[Immigration Law Blog - What's the 1st step to petitioning for an immediate relative?](http://www.immigrationlawseattle.com/blog/2014/2/5/whats-the-1st-step-to-petitioning-for-an-immediate-relative)

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[Immigration Law Blog - Peticiones para un familiar inmediato - Paso 1](http://www.immigrationlawseattle.com/blog/2014/1/25/peticiones-para-un-familiar-inmediato-paso-1)

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