

Avoid Immigration Fraud

If you need legal services beyond the free assistance provided by CUNY Citizenship Now!, you can find an experienced immigration attorney by calling the New York City Bar Association Legal Referral Panel at (212) 626-7373.

If you cannot afford to pay a private attorney, you can get help from an agency recognized by the Board of Immigration Appeals (BIA) to provide free or low-cost immigration legal services. For a list of these immigration legal services providers, call “311” to request an authorized immigration legal services provider in your area. You can call “311” seven days a week, 24 hours a day. Assistance is available in over 170 languages.


By law, the only people who may give you legal advice or represent you before USCIS are attorneys or non-attorney representatives who are BIA accredited. Some individuals provide immigration legal advice in violation of the law and some charge you for these services. Legal advice may include advising you on how to answer certain questions on your immigration forms or telling you what immigration options you may have regarding your immigration status. These individuals often refer to themselves as immigration consultants or “notarios.” They may file false or inaccurate applications with the USCIS on your behalf which may have severe consequences – you may end up in removal (deportation) proceedings.

To learn more about how to avoid being a victim of immigration services providers who practice law illegally, visit our website at www.cuny.edu/citizenshipnow. If you or someone you know has been the victim of an immigration scam or has been victimized by an immigration legal services provider, there are several different resources available to assist immigrants.

You can report immigration scams confidentially to the NY County District Attorney’s Office, Immigrant Affairs Program at (212) 335-3600 so they may take action against the unlawful service provider. The NY County District Attorney’s office will also assist immigrants who have been victims of immigration scams or other crimes regardless of immigration status. You may also report immigration scams to the NY State Attorney General’s Consumer Helpline at (800) 771-7755 to try and recover the money you paid for the service advice. Information provided to the District Attorney’s and the Attorney General’s office is confidential and not reported to federal government. You may also report a scam anonymously to USCIS by calling (800) 375-5283 or at www.uscis.gov/avoidscams. The website also offers information on how to avoid scams.

Connect with CUNY Citizenship Now!

 cuny.edu/citizenshipnow

 facebook.com/citizenshipnow

 @CUNYCitizenship

CUNY Citizenship Now! Immigration Centers

All Services are FREE



For directions, hours of service and more, call the numbers below, visit www.cuny.edu/citizenshipnow or snap the QR code to the left with your smart phone. Note: all centers require an appointment to see you.

BROOKLYN

Medgar Evers Immigration Center†
(718) 270-6292

MANHATTAN

City College Immigration Center†
(212) 650-6620

CUNY Express Immigration Center†
(212) 568-4692

QUEENS

Flushing Immigration Center†
(718) 640-9223

York College Immigration Center†
(718) 262-2983

STATEN ISLAND

College of Staten Island, El Centro, and Project Hospitality Help Center*
(718) 273-6737

THE BRONX

Hostos Community College Immigration Center†
(718) 518-4395

† Board of Immigration Appeals (BIA) Recognized

* Part-time center

GET YOUR GREEN CARD THROUGH A RELATIVE



FREE Immigration Services for the People of New York
www.cuny.edu/citizenshipnow

FAMILY-BASED PERMANENT RESIDENCE

A lawful permanent resident (LPR or green card holder) is a foreign national who is authorized to live and work in the United States. Applying for a green card can be complicated. This brochure will provide you with general information about this process, it is not a substitute for legal advice in a particular case. For free legal assistance, see the list of CUNY Citizenship Now! immigration centers on the back of this brochure or visit www.cuny.edu/citizenshipnow.

Relative Classifications

There are two parts to the application process for permanent residence through a relative. The first part is to have your relative file a Form I-130 Petition for Alien Relative on your behalf.

U.S. immigration law is very specific about which relatives of a U.S. citizen or an LPR qualify for immigrant status. Your relationship to the U.S. citizen or the LPR, and in some cases your country of birth will determine the length of time that you may have to wait before you may apply for permanent residence. The following are groups of people who qualify for family-based immigration:

Immediate Relatives

An unlimited number of applicants can immigrate each year under this category. You are an "Immediate Relative" of a U.S. citizen if you are:

- A spouse of a U.S. citizen. (A spouse of a deceased U.S. citizen can also self-petition for permanent residence.)
- An unmarried child (under age 21) of a U.S. citizen.
- A parent of a U.S. citizen age 21 or older.
- Certain relatives of deceased U.S. Citizens.

Family-Sponsored Preference Categories

Some relatives of U.S. citizens and LPRs can immigrate under the family preference categories. Family preference applicants often have a long wait because of a limit or quota in the number of people who can obtain a visa under each preference category. The categories are:

- First Family-Based Preference: Unmarried sons and daughters (age 21 or older) of U.S. citizens.
- Second Family-Based Preference A - Spouses and unmarried children (under age 21) of LPRs.
- Second Family-Based Preference B - Unmarried sons and daughters (age 21 or older) of LPRs.
- Third Family-Based Preference - Married sons and daughters (of any age) of U.S. citizens.
- Fourth Relative Preference - Brothers and sisters of U.S. citizens if the U.S. citizen is at least 21 years old.
- Certain relatives of deceased LPRs.

Your spouse and unmarried children under age 21, if any, may qualify to immigrate with you in the family preference categories.

In the family-based preference categories, the number of people who apply is often higher than the annual quota. For this reason, each month the Department of State (DOS) selects a date as the cutoff for that month, which limits the number of immigrants who can proceed in each preference category. If your "priority date" (the date when the U.S. Citizenship and Immigration Service, USCIS, receives the I-130 petition) is before the date noted by DOS, then it is "current" and you are eligible to apply for permanent residence. The DOS publishes the Visa Bulletin each month and makes it available at www.travel.state.gov.

Applying for Permanent Residence

Once your petition is approved (and, in the case of those in the family preference categories, when their priority date is current), the second part of the permanent residence application process is to determine whether you can apply for a green card in the United States (a process called "Adjustment of Status"), or whether you must go home for an interview at the consulate (a process called "ConsularProcessing.")

Adjustment of Status

If you are in the United States, USCIS will notify the Petitioner when the petition is approved. If you are in a family-sponsored preference category, it is your responsibility to check whether your priority date is current. NOTE: The process to apply for permanent residence for you is different than the one for those applying from abroad.

If you are applying as an Immediate Relative, you may submit your application for Adjustment of Status when your relative files form I-130. In preference cases, you can apply for adjustment of status when your priority date becomes current. In both cases, you must qualify to adjust your status (that is, to get permanent residence without leaving the United States.) To apply, file Form I-485 Application to Register Permanent Residence or Adjust Status, with supplemental forms and supporting documents. See an immigration law expert for assistance.

You qualify to adjust status without leaving the United States if:

1. An immigration officer inspected you when you entered the United States, you were never out of status, and you never worked without permission, or
2. An immigration officer inspected you upon entry and you are applying as an immediate relative of a U.S. citizen, even if you have overstayed your visa or you have worked without permission.

Certain categories of legal entrants cannot benefit from the above rules, including crewmembers, individuals in transit without a visa (TWOVs) and aliens who enter the United States with a

fiancé(e) visa but fail to marry the petitioner within 90 days of their admission to the United States. Victims of domestic violence self-petitioning for permanent residence may adjust status regardless of their manner of entry.

Under what many call the "245(i) grandfather clause," you can adjust status if you pay a \$1,000 filing penalty and,

1. A family or employment based case was filed on your behalf on or before January 14, 1998;
2. A family or employment based case was filed on your behalf on or before April 30, 2001 AND you were in the United States on December 21, 2000; or
3. You were the spouse or unmarried child, under 21 of a 245(i) grandfathered individual.

Consular Processing

If you are outside the United States, USCIS will notify the Petitioner when the petition is approved. USCIS will also send the approved petition to the Department of State's National Visa Center (NVC). The NVC will notify you and the Petitioner about the next step to take. For Immediate Relatives, that will be soon after the NVC receives the approved petition from the USCIS. For those in the family preference categories, it will be when the priority date is close to being current. The NVC will send a notification to the Petitioner informing him/her that an immigrant visa is available for you along with the required forms. File the forms with supporting documents to the NVC. You will then be notified to go to the U.S. consulate to complete the processing for an immigrant visa. Make sure to contact the NVC to notify them of a change of address or of a change that may affect eligibility for permanent residence, such as marriage, divorce, or death of a spouse.

Other Eligibility Requirements

Regardless of where you apply for permanent residence, most applicants must prove that they do not fall into one of the many grounds of "inadmissibility." Among the most common of these grounds are:

- You travel abroad after having been unlawfully present in the United States for more than 180 days;
- You are likely to become a public charge (a person dependent on public assistance);
- You have committed certain crimes;
- You have one of several communicable diseases, including gonorrhea, syphilis, and tuberculosis;
- You lied to get a visa or to enter the country.

The law provides exceptions and waivers to some grounds of inadmissibility. An immigration attorney at one of the CUNY Citizenship Now! immigration centers can help you decide whether you are inadmissible and whether you qualify for a waiver.