



Fact Sheet: Family-Based Immigration

What is family-based immigration?

Family immigration is the primary basis for legal immigration to the United States. Under current immigration law, U.S. citizens and lawful permanent residents (LPRs) can [sponsor](#) certain family members for a visa that provides permanent residence, also known as a “green card.” Since the time of our [first colonies](#) in the 17th century, immigration has been family-based, but the enactment of the Immigration and Nationality Act (INA) of 1965 formally set family ties as the main way people immigrate to America. Today family visas [account](#) for about 65 percent of legal immigration each year.

What is “chain migration?”

Critics of family-based immigration [describe](#) the ability of immigrants — who become green-card holders and citizens — to sponsor their relatives as a “chain” of migration. Concerns about “chain migration” are criticisms of our existing legal immigration system and the ability of family members to sponsor their close family members for immigrant visas.

Who is eligible for a family visa?

There are only [two groups](#) who are eligible for family visas:

Immediate relatives: 1) spouses of U.S. citizens; 2) unmarried children under 21 of U.S. citizens; 3) orphans adopted abroad, 4) orphans to be adopted in the U.S., by U.S. citizens; and 5) parents of U.S. citizens who are at least 21 years old.

Family preference categories: 1) unmarried sons and daughters of U.S. citizens, their spouses and their children; 2) spouses, minor children and unmarried sons and daughters over 21 of LPRs; 3) married sons and daughters of U.S. citizens and their spouses and minor children and 4) brothers and sisters of U.S. citizens, and their spouses and minor children, provided the U.S. citizens are at least 21 years old.

Note: U.S. citizens and LPRs cannot sponsor other family members such as grandparents, aunts, uncles, in-laws and cousins for immigration.

How many relatives does an immigrant typically sponsor?

An average of 3.5 relatives. In past decades, each immigrant has [typically sponsored](#) an average of approximately 3.5 relatives, which includes spouses and children.

How many visas are available for sponsors' extended family members?

A maximum of 480,000 each fiscal year. The total number of family preference visas cannot exceed [480,000](#), which was set by Congress [in 1990](#). While there is no limitation on number of visas issued to immediate relatives, the number of those visas issued is subtracted from the 480,000 cap, and thus determines how many other relatives will be admitted to the U.S. each fiscal year. In fiscal year 2015, spouses and children (immediate relatives) [accounted](#) for approximately 69 percent of family immigration and 44 percent of total legal immigration to the U.S.

To ensure that family visas are not issued just to immediate relatives, immigration law requires that [at least 226,000](#) family visas be allocated through the family preference categories. About 40 percent of the family preference visas are [issued](#) to the spouses and minor children of LPRs. Only about 6 percent of overall legal immigration consists of brothers and sisters of U.S. citizens.

In addition to the numerical restrictions, immigration law sets a 7 percent cap each year for family visas issued for each country, commonly referred to as the [per-country limit](#).

What are the requirements for family visas?

Sponsor in the U.S., application, numerous screenings and background checks, interview, fee and medical examination. The sponsoring relative, who must be over the age of 18 (in some cases 21) and reside in the U.S., is first [required](#) to file a petition for his or her family member(s) with U.S. Citizenship and Immigration Services (USCIS). In this petition, they must prove the [legitimacy](#) of their relationship and that they meet income requirements. The sponsor must also submit a signed affidavit of support stating that he or she will be financially responsible for the applicant(s). Each prospective immigrant then undergoes extensive background and security checks, including criminal, national security, health-related and other screenings. USCIS also [examines](#) all the green card applications to determine the immigrant will not likely become a public charge who will need public assistance.

After USCIS approves the petition, they [send](#) it to the National Visa Center (NVC), which directs the applicant to complete certain forms and submit appropriate documents and pay the fees. Once the NVC receives all the required documents, a U.S. Embassy or Consulate officer interviews the applicant to determine his or her eligibility. All applicants must also undergo a medical

examination performed by an authorized physician and obtain certain vaccinations before the government will issue the visa.

How long does it take to get visas for eligible family members?

Years or even decades, based on an applicant's relationship with his or her sponsor. While immediate relatives (spouses and minor children) generally receive their green cards [soon after](#) meeting all the criteria of the extensive visa process, the wait time for other family members may vary from [years to even decades](#), based on their family preference category.

Due to the numerical and per-country limits combined with high demand, there are substantial [backlogs](#) in most of the family preference categories. In 2017, of the approximately 4.7 million applicants in the family preference categories, more than 3.9 million were on the waiting list, and USCIS was processing the rest. The vast majority of family members from high-demand countries, such as China, India, Mexico and the Philippines, must wait years or even decades for a green card. For instance, as of January 2018, the U.S. government was processing cases of brothers and sisters of U.S. citizens who filed applications more than 13 years ago.

For more information on the issue of family backlogs, see [Immigration Backlogs Are Separating American Families](#).

What are the benefits of family-based immigration?

Ethnic communities and families are [critical](#) for immigrants by providing them with different types of support that allow them to integrate faster, become employed or start their own businesses. They [help](#) newcomers better understand American culture, standards and institutions.

Moreover, immigrant family members and immigrant communities generally [encourage](#) development of human capital and support forming businesses such as by providing capital or loans. The percentage of new U.S. businesses started by immigrants has more than doubled in the past 15 years, from 13.3 percent in 1997 to 28.5 percent in 2014. Further, the U.S. [benefits](#) from economic contributions of adult immigrants without having to pay for their basic education.

Adult children, siblings and parents also play a crucial role in caring for children and family members as they age. Such assistance may allow others in the family to work longer and thus contribute more to the U.S. economy.

How successful are family visa holders compared to other immigrants?

The initial earning gap between immigrants entering the U.S. through family-based and employment-based visas [tends to narrow](#) significantly over time. Research shows that while family immigration is generally associated with lower initial earnings, it has higher earnings

growth than employment-based immigration. Immigrant brothers and sisters of U.S. citizens tend to have higher initial earnings than family immigrants in general and are more likely to be self-employed. Family immigrants also tend to invest a lot to their human capital after they settle in the U.S., which benefits not only them but our economy as a whole.

How many immigrants come through family visas?

The majority of new green card holders. In 2016, about [48 percent](#) of the over 1 million new green-card holders were immediate relatives of U.S. citizens and another 20 percent were relatives in the family-based preference categories.

What education level do new immigrants to the U.S. have?

Nearly half earned at least a bachelor's degree. About [48 percent](#) of immigrants who entered the U.S. between 2011 and 2015 had at least a bachelor's degree. A significant increase over the 28 percent of immigrants with a bachelor's degree who entered the U.S. previously. Additionally, fewer immigrants entering the U.S. between 2011 and 2015 have only a high school education (19 percent) compared to those who came to the U.S. previously (30 percent).