

Lawful Permanent Residence

1. What is a lawful permanent residence (LPR)?

Lawful permanent residence is the right granted to certain foreign nationals, to reside, live, and work permanently in the United States.

2. How can one obtain lawful permanent residence?

There are many paths to obtain lawful permanent residence in the United States, however, each of these paths requires an underlying petition, whether it be family-based, employment-based, or humanitarian-based. In other words, an individual may not apply for permanent residence in the United States until they have a previously (or concurrently) approved petition that serves as a basis for permanent residence.

3. Can family members sponsor an individual for a permanent residence?

Yes, United States citizens over the age of 18 may file a family petition in order to sponsor their spouses and children (under 21) for permanent residency. If the United States citizen is over 21, they may also petition their parents and siblings, and sponsor them for residency. Lawful Permanent Residents may only sponsor their spouses and children, but not their parents or siblings (unless they naturalize and become citizens). Permanent residents may not petition their married children, but United States citizens may petition both married and unmarried children.

4. What is the diversity visa program?

The diversity visa program (known as the “visa lottery”) is a U.S. Department of State program that selects approximately 50,000 individuals to apply for a U.S. visa to live in the United States on a random, yearly basis. Individuals must qualify to enter the lottery based on educational and other criteria. Selected individuals are then subject to security screening. Applications are filed online at the website of the “Electronic Diversity Visa Program” and allocation of visas within each region are based on previous immigration trends—with higher allocations going to countries with historically lower levels of immigration to the United States in the preceding five-year period.

5. Can employers sponsor individuals for permanent residences?

Yes, employers may petition and sponsor their employees for permanent residence through the EB Visas, in their different categories. Employers may also sponsor their employees through other types of employment visas that may allow employees to apply for their permanent residence independently, that is, without the sponsorship of their employer.

6. Can refugees and asylees apply for permanent residences?

Refugees may apply for permanent residency if they are physically present in the United States for at least one year after admission as a refugee and at the time of filing their residency

Lawful Permanent Residence

application; their refugee status has not been terminated; and they are admissible to the United States for lawful permanent residence or eligible for a waiver of inadmissibility.

Asylees may apply for permanent residency if they are physically present in the United States for at least one year after they are granted asylum; they continue to meet the definition of a refugee, or to be the spouse or child of a refugee; they have not firmly resettled in any foreign country; the grant of asylum has not been terminated; they are admissible to the United States for lawful permanent residence or eligible for a waiver of inadmissibility; and they show they merit the favorable exercise of discretion.

7. What is the process for obtaining a permanent residence through marriage?

The underlying petition for permanent residence through marriage is Form I-130. If the beneficiary is abroad, the process of obtaining permanent residence is called Consular Processing and is done entirely abroad, and culminates in a consular interview after which the beneficiary enters the United States as a permanent resident and then receives their permanent residence in the mail. If the beneficiary is within the United States, Forms I-130 and I-485 may be filed concurrently (provided the individual was lawfully admitted into the United States and has no bars to adjustment).

8. Is there a limit on the number of permanent residences issued each year?

Most categories of permanent residences have annual numerical limits for immigrant visas that allow them to obtain permanent residence. This means that individuals must wait until their turn for permanent residency is up. These "turns" can be calculated using the Visa Bulletin, which is updated monthly by the US Department of State and you can find it on our web page under Visa Bulletin. Permanent residence for immediate relatives of United States citizens (that is, their spouses, parents, and children under 21) has no cap, meaning there is always a permanent residence available for them.

10. What is the difference between adjustment of status and consular processing?

Adjustment of Status is the process to request permanent residency from within the United States, provided the applicant was lawfully admitted to the United States and has no bars to adjustment. It is filed with the USCIS. Consular processing is when the prospective permanent resident is outside of the United States, so the procedure for their residency is completed at the embassy or consulate abroad. It also applies to individuals who may have required waivers of certain grounds of inadmissibility to apply for permanent residency, the majority of which must be completed abroad.

11. Can individuals with DACA (Deferred Action for Childhood Arrivals) obtain a permanent residence?

DACA recipients, often called "Dreamers," are not granted a direct path to permanent residency (permanent residence) solely based on their DACA status. However, they may become eligible for a permanent residence through other existing immigration pathways. For example, if

Lawful Permanent Residence

a DACA recipient marries a U.S. citizen or if they find an employer who is willing to sponsor them, they may then be able to adjust their status. It is crucial to explore all possible avenues, such as family-based or employment-based visas, which could lead to permanent residency.

12. Can individuals with Temporary Protected Status (TPS) apply for a permanent residence?

Like DACA, Temporary Protected Status (TPS) does not offer a direct route to a permanent residence. TPS is granted to individuals from certain countries experiencing problems such as natural disasters or armed conflict that make it unsafe for them to return home. While TPS holders are protected from deportation and can obtain work authorization in the U.S., they must find another basis for applying for a permanent residence, such as family sponsorship or an offer of employment.

13. Can individuals with an H-1B visa obtain a permanent residence?

H-1B visa holders, who are in the U.S. due to their employment in a specialty occupation, may be eligible for a permanent residence through employer sponsorship. This process typically involves the employer filing an immigrant petition on behalf of the H-1B employee under one of the employment-based preference categories. If approved, the individual can then apply to adjust their status to that of a lawful permanent resident. The process is complex and multi-staged, including labor certification and visa availability, and it often requires careful coordination between the employer, the employee, and legal advisors.

14. Is there a fee for applying for a permanent residence?

Applying for a permanent residence involves multiple steps and corresponding fees. The costs may include filing fees for the immigrant petition (I-130 or I-140), the adjustment of status application (I-485), biometric services, and potential fees for additional forms required throughout the process. These fees can vary based on the applicant's age, the specific form being filed, and whether they are applying from within or outside the United States. Applying for Adjustment of Status from within the United States requires payment of a filing fee of \$1,440 as of January 2026. Additional costs apply if the beneficiary is in removal proceedings before an immigration judge.

15. How long does it take to obtain a permanent residence?

The timeline to obtain permanent residence can be quite variable, influenced by factors such as the visa category under which one applies, the applicant's country of origin, current USCIS processing times, and the volume of applications received. Family-based and employment-based preference categories often have numerical limits each year, which can create backlogs and extend wait times, especially for applicants from countries with high demand. For some, the process may take a few months, but for others, especially those in preference categories with significant backlogs, it may take several years. It also depends on if the processing is done from within the United States or abroad. Please refer to the Visa Bulletin posted on this web site.

Lawful Permanent Residence

16. Can individuals appeal if their permanent residence application is denied?

If a permanent residence application is denied, the applicant often has the option to appeal the decision or to file a motion to reopen or reconsider the case. This must be done within a specified period after receiving the denial notice, and it is generally recommended to do so with the assistance of an immigration attorney. The appeal process can be complex and requires a thorough understanding of immigration law and policy, as well as a clear argument as to why the original decision should be changed.

17. Can individuals lose their permanent residence status?

Lawful permanent residents (LPRs) or permanent residence holders can lose their status if they violate certain conditions. Failure to maintain permanent residence in the U.S., committing serious crimes, or becoming a public charge can all lead to the revocation of LPR status. Moreover, permanent residence holders who travel abroad for extended periods without the proper re-entry documentation may be considered to have abandoned their residency. It is important for LPRs to understand the responsibilities that come with their status to avoid jeopardizing their ability to live and work in the U.S. permanently.

18. Can permanent residence holders travel outside the U.S.?

Permanent residence holders have the freedom to travel internationally without applying for a travel visa to re-enter the United States. However, the permanent resident must maintain the U.S. as the primary residence. If a permanent residence holder spends more than six months consecutively outside the U.S., they may face scrutiny by immigration officials upon return, which can lead to questioning about their intention to maintain U.S. residency. Extended absences can be misconstrued as an abandonment of permanent resident status, particularly if one spends more than a year outside the U.S. without obtaining a re-entry permit. Permanent residence holders planning long-term travel should consult with an immigration attorney to ensure their residency status is not jeopardized, and should consider applying for a re-entry permit if they anticipate being outside the U.S. for an extended period.

19. Can permanent residence holders apply for U.S. citizenship?

Permanent residence holders, also known as permanent residents, may be eligible to apply for U.S. citizenship via a process called naturalization. To qualify, they must meet certain residency requirements, which typically include living continuously in the U.S. as a permanent residence holder for at least five years, or three years if married to a U.S. citizen. During this period, they must have been physically present in the U.S. for at least half the time and not have left the country for a continuous period of more than six months. In addition to residency requirements, applicants must demonstrate good moral character, knowledge of the English language, and an understanding of U.S. history and government. Before applying, it is recommended that permanent residents review the most current eligibility criteria, as immigration laws can change.

Lawful Permanent Residence

20. Is there a deadline for applying for a permanent residence after entering the U.S.?

The deadline for applying for a permanent residence varies depending on the basis of one's immigration. For example, a fiancé(e) entering on a K-1 visa must marry their U.S. citizen sponsor within 90 days and then apply for adjustment of status. For those seeking employment-based permanent residences, the timing may depend on the date their labor certification is approved or when their visa number becomes available. There is no uniform deadline applicable to all permanent residence applications, but there are important windows and dates specific to each category that must be followed. Missing these critical dates can result in loss of eligibility or having to start the process anew. Therefore, it is vital to understand the specific timelines associated with your immigration path and to maintain compliance with all relevant laws and regulations. Consulting with an immigration attorney can provide tailored guidance and help ensure adherence to all necessary deadlines.

21. When can an interpreter be used, a simpler exam requested, or the citizenship exam avoided?

During the naturalization process, some individuals may qualify to use an interpreter or for exemptions from the English and/or civics test.

An applicant may use an interpreter if they qualify for an exemption from the English requirement based on their age and length of time as a lawful permanent resident.

Some individuals may take a simplified civics test if they qualify under special rules based on age and years of residence.

Other individuals may be completely exempt from the exam if they have a medically documented physical or mental disability that prevents them from meeting the requirements, by submitting Form N-648 properly certified by a medical professional.

Each case is different, so it is recommended to consult with an immigration attorney to determine whether one qualifies for any of these exceptions.