

GETTING A US VISA

This is a list of Family based visas that permit one to enter the U.S. and obtain a green card.

- Fiancé visa: K-1
- Spouse visa: K-3
- Parents of U.S. citizen children
- Siblings of U.S. citizens
- Children of U.S. citizen parents
- Spouse and unmarried children of Lawful Permanent Resident

We will discuss how each of these family-based visas work over the next coming months.

FIANCÉ VISA: K-1 VISA

To apply for a K-1 Visa,

- You must be a fiancé(e) of a U.S. citizen (If you are a Lawful Permanent Resident, you cannot sponsor your fiancé(e))
- You are seeking to enter the U.S. solely to conclude a valid Marriage with petitioner.
- You must marry within 90 days after entry into the U.S.
- You must adjust status within 2 years
- You file the fiancé visa petition inside the U.S. Once approved you schedule your interview at the U.S. consulate where you are residing. Processing times are approximately 4-12 months
- Petitioner must provide criminal records
- There must be no legal impediments to the marriage – so for example if you are currently married to a different person, you must have a final divorce decree before commencing the K-1 visa
- Parties must have met in person within 2 years of filing the petition
(this in-person requirement can only be waived in extreme hardship to the petitioner or if the requirement would “violate strict and long established customs in the beneficiary’s culture”)

Can U.S. citizen son/daughter petition for their Parents?

- U.S. citizen son/daughter must be 21 years or older before they are eligible to petition for their parents.
- Once the U.S. citizen son/daughter is 21 years or older, their parent is considered an immediate relative. If you are deemed to be an immediate relative then you do not need to wait until your visa number becomes current in order to adjust your status, you can adjust your status immediately.
- As an immediate relative, your unlawful presence in the U.S. is waived, as long as you were admitted and inspected when you last entered the United States.
- If parents are residing inside the United States, then you can file the application to register permanent residence or adjust status, without parents departing the United States (caveat: you must have been inspected and admitted to the U.S. when you entered to adjust status inside the U.S.).
- If parents are outside the United States, then once the Petition for Alien Relative is approved inside the U.S. the parent will consular process at the U.S. consulate where they reside.
- U.S. citizen STEP- son/daughter can petition for their Step-parent, provided the STEP- son/daughter was under 18 years old when step-relationship was created.
- Lawful Permanent Resident children cannot petition for their parents.

Caro Kinsella

Attorney & Counselor at Law

Phone: 954-304-2243

Email: info@legalprofessionals.us

www.legalprofessionals.us

www.immigrationlawyerpompanobeach.com

www.Immigrationattorneysinorlando.com