



Sponsoring a Fiancé or Spouse for a Green Card

Planning your immigration strategy is as important as planning your wedding.

If you are a U.S. citizen or permanent resident, and you are engaged or already married to a citizen of another country, that person may be eligible for a green card. However, many people believe, wrongly, that they can just bring their fiancé or spouse to the United States and the immigrant will be given an instant green card or even U.S. citizenship -- a belief that has led to sad cases of people being sent right home again.

Your fiancé or spouse will have to go through a multi-step application process. It's your job to start the process, by submitting either a fiancé visa petition (only available if you're a U.S. citizen, but can be used whether you are already married or just engaged) or an immigrant visa petition. Your fiancé or spouse can't enter the U.S. until both the petition and subsequent applications have been approved.

Note: If you're not yet a U.S. citizen, but have U.S. permanent residence (a "green card"), you cannot bring your fiancé to the United States until you're married -- and even then, you can bring your spouse only after he or she spends some years on a waiting list.

No matter what, be prepared for a long wait. Every type of visa application involves several stages, including application forms, a medical examination, fingerprinting, and various approvals.

Don't misuse a tourist visa or other temporary visa. If the immigrant used a tourist or other visa to get to the U.S. for the primary purpose of getting married or applying for a green card, see an attorney. The immigrant could be found liable for visa fraud, and denied the green card as a result.

Eligibility for Various Visas

The requirements for the fiancé visa and the marriage visa are different.

Fiancé Visas

To qualify for a fiancé visa, the immigrant must:



- intend to marry a U.S. citizen
- have met the citizen in person within the last two years, and
- be legally able to marry.

Also, the immigrant must be coming from another country -- a fiancé visa won't be given to someone who is already in the United States.

As part of the fiancé visa application process, you'll have to prove your intention to marry, by providing documents such as copies of your love letters, phone bills, and wedding ceremony contracts. You'll also have to prove that you've met within the last two years, by submitting copies of plane tickets, hotel bills, and more.

This meeting requirement causes problems for many couples. If you simply can't afford to meet, the immigration authorities will say, "Tough luck." If, however, you haven't met because of proven cultural customs or extreme hardship to the U.S. citizen spouse, they may be willing to lift the meeting requirement in for you.

Marriage-Based Visas (Green Cards)

To be eligible for an immigrant visa, or green card, based on marriage, the immigrant must be:

- legally married (it doesn't matter in what country) to a U.S. citizen or permanent resident
- not married to someone else at the same time, and
- not married to someone who has another wife or husband.

Also, the marriage must be the real thing, not just a sham to get a green card.

Within the application process, you'll have to prove all of the above things. Legal marriage is usually the easiest to prove, by simply providing a copy of your marriage certificate -- though people who get married outside the United States sometimes have a little trouble, because USCIS usually demands that the certificate come from a government office, rather than a church, a ship's captain, or other nongovernmental place.

To show that the marriage is the real thing, you'll have to provide copies of documents such as joint bank statements, children's birth certificates, photos of the wedding and afterwards, love letters, and more.



Inadmissibility

To qualify for any type of visa, every immigrant must show that he or she is not "inadmissible" (for instance, has a long criminal record or a communicable disease like tuberculosis).

Overview of Application Process

How and where the immigrant applies for a green card depends on a number of factors, including who he or she is marrying, where the immigrant is now, and, if he or she is in the United States, whether he or she got there legally. For assistance regarding this process, please contact Younossi Law.