



Visa Via Marriage Package: Obtaining US Residency for Alien Spouse, American Immigration Center, American Immigration Center Staff, American Immigration Center, Incorporated, 1998, 0966342534, 9780966342536, 52 pages. .

DOWNLOAD [HERE](#)

, , , , , .

An immigrant visa is a document issued by a U.S. consular officer abroad that allows you to travel to the United States and apply for admission as a legal permanent resident (LPR). An immigration inspector of U.S. Customs and Border Protection of the Department of Homeland Security makes the final decision as to whether or not to admit you as an LPR. Once you are admitted as an LPR, you generally have the right to live and work in the United States permanently. U.S. Citizenship and Immigration Services of the Department of Homeland Security will mail your permanent resident card (often called a “green card”) to your new address in the United States, usually within three months of your entry into the United States. Please see 22 CFR 42.11 (PDF, 112 Kb) for a list of classification symbols and a brief description of each.

As explained in the answer to “What is an immigrant visa?”, getting an immigrant visa usually means that you will be able to live and work in the United States for as long as you want. A nonimmigrant visa, on the other hand, is generally for short-term visitors to the United States. You cannot stay in the United States permanently on a nonimmigrant visa, and you generally cannot work. A nonimmigrant visa is sometimes informally called a “tourist visa” but can be issued for reasons other than tourism, such as medical treatment, business or study. Please see our nonimmigrant visa page for more information.

There are three basic methods for obtaining an immigrant visa: 1) through a family relationship with a U.S. citizen or legal permanent resident or 2) through employment or 3) through the Diversity Immigrant Visa Program (the visa lottery). Most applicants in the Dominican Republic obtain their immigrant visas via family relationships.

The first step in obtaining a family-based immigrant visa is for your relative (the petitioner) to file a Form I-130 (Petition for Alien Relative) with U.S. Citizenship and Immigration Services (USCIS) of the Department of Homeland Security. Your relative generally must file the petition by mail at the USCIS Service Center in the United States with jurisdiction over his or her place of residence. Once your relative has filed a petition for you, you may check its status by accessing the USCIS Case Status Search Page.

Once U.S. Citizenship and Immigration Services (USCIS) of the Department of Homeland Security approves an immigrant visa petition, USCIS sends the approved petition to the Department of State’s National Visa Center (NVC) in Portsmouth, New Hampshire. Note that the few petitions approved by the Department of Homeland Security in Santo Domingo are sent directly to

the Immigrant Visa Unit of the U.S. Embassy in Santo Domingo and are not sent to NVC.

The Department of State's National Visa Center (NVC) retains the approved petition until the case is ready for adjudication by a consular officer abroad. Petitions may remain at NVC for several months or for many years depending on the visa category and country of birth of the visa applicant. When a beneficiary's (the beneficiary is the person on whose behalf the petition was filed) priority date appears about to become current, NVC sends the petitioner a bill for processing Form I-864 (Affidavit of Support Under Section 213A of the Act) and sends the beneficiary a Form DS-3032 (Choice of Address and Agent) - (PDF - 31Kb). Once the Form I-864 processing fee is paid, NVC sends the Form I-864 and related instructions to the petitioner. Once NVC receives the completed Form DS-3032 from the applicant, NVC mails a bill for the immigrant visa fee (currently US\$400.00) to the agent designated on the Form DS-3032. Once the immigrant visa fee is paid, NVC sends the Instruction Package for Immigrant Visa Applicants to the agent.

You or your agent must follow the directions in the Instruction Package for Immigrant Visa Applicants exactly. Failure to do so could result in a delay in your case and could even cause you to lose your chance to live and work in the United States. Once NVC completes its administrative processing of your case, the case file is sent to the Immigrant Visa Unit of the U.S. Embassy in Santo Domingo. NVC will notify you by mail when this occurs.

The priority date, in the case of a family-based immigrant visa petition, is the date your petition was filed (not the date it was approved). Family-based immigrant visas are divided into two broad groups, immediate relative cases and preference cases. An immediate relative family-based petition is filed by a U.S. citizen on behalf of a spouse, parent, or child. A preference family-based petition is filed by a U.S. citizen on behalf of a son, daughter, or sibling; or by a legal permanent resident on behalf of a spouse, son or daughter, or child.

Because the law does not limit the number of immediate relative visas, the priority date is normally irrelevant in such cases (please see the Department of State's most recent policy telegram on the Child Status Protection Act for the notable exception). Workload permitting, the Immigrant Visa Unit of the U.S. Embassy in Santo Domingo may begin processing the approved petition upon receipt from the Department of State's National Visa Center or the Department of Homeland Security.

The priority date in a preference case, however, matters greatly. The law limits the number of preference visas available. All categories of family-based preference visas are currently "oversubscribed" (i.e., there are more people who want visas than there are visa numbers available). Your priority date, along with your visa category and nationality, determines whether a visa number is available or whether you must wait. Once your priority date is earlier than the cut-off date listed in the most recent Visa Bulletin you can be allotted a visa number and have your case processed (i.e., your case is "current"). We cannot predict when a case will become current. You can monitor the movement of the cut-off dates as announced in the Visa Bulletin to learn when your priority date is reached. To hear the cut-off dates over the telephone, you can call the Department of State visa information line at (202) 663-1541.

If you have received an Appointment Package for Immigrant Visa Applicants, a Package of Instructions for K-3/K-4 Applicants or a Package of Instructions for K-1/K-2 applicants, please follow carefully the instructions therein. Failure to do so could result in a delay in your case and could even cause you to lose your chance to live and work in the United States.

It is not possible for us to predict exactly how long you will be at the Consular Section. We interview applicants as efficiently as possible consistent with reasoned, legally supportable decisions; however, you should be patient as some applicants may be at our office until 4:30 p.m. We make every attempt to interview elderly applicants, applicants with infants, disabled applicants and other applicants with special needs early in the day. If you have a disability or a special need that is not apparent, please mention it to one of the consular employees who wear yellow polo-style shirts with a U.S. Embassy patch and who display a U.S. Embassy ID badge. These employees circulate

throughout the consular compound and the lines outside the Consular Section building.

In a family-based immigrant visa case, the principal beneficiary of a petition is the person on whose behalf the petition was filed, that is, the person listed on the right side of the front of Form I-130 (Petition for Alien Relative). A derivative beneficiary is the spouse or child of the principal beneficiary. A preference family-based case may have many derivative beneficiaries in addition to the principal beneficiary, and all of the beneficiaries (principal and derivatives) share the same petition and the same case number. There are no derivative beneficiaries in immediate relative family-based cases, which means that each applicant must have his or her own petition and individual case number.

No. You should eat normally before your medical examination. In addition, if you are taking any medication, you should continue to take it normally. Please see our Information Concerning the Medical Examination and Vaccines and the Consultorios de Visa website for more information concerning medical issues.

The decision as to whether or not to hire a lawyer or other representative is yours alone. We cannot tell you whether or not to obtain representation, nor can we recommend any specific lawyers. If you do hire an attorney or other representative, that person may accompany you to your visa interview but may not/answer questions on your behalf. You, the applicant, must answer the consular officer's questions.

The Immigrant Visa (IV) Unit allows access to the consular section compound for the attorney of record of a case. In order to gain access the attorney must show a photocopy of the G-28 form that is on file with the IV case. This form should be shown to staff prior to entry to the consular building. Please note the restrictions on items that can be brought in to the building. In general, we allow the attorney to attend the actual interview with the applicant. It is the applicant, however, who must answer any and all questions posed by the consular officer. If the attorney impedes the interview process in any way he/she will be asked to leave the interview window and/or consular section building.

You and the petitioner must file a Form I-751 (Petition to Remove the Conditions on Residence) with the U.S. Citizenship and Immigration Services Service Center in the United States with jurisdiction over your state of residence within the 90-day period immediately preceding the second anniversary of the date you were first admitted to the United States as a conditional permanent resident. If the I-751 is not filed within this period, your conditional permanent resident status will be terminated automatically and you will be subject to deportation from the United States. Please read our Notice of Conditional Status.

The Child Citizenship Act of 2000 is a law that amended Section 320 of the Immigration and Nationality Act to confer automatic U.S. citizenship upon certain categories of children born abroad upon their admission to the United States as a legal permanent resident. If the consular officer determines that the Child Citizenship Act applies, we will give the applicant our Child Citizenship Act Information Sheet (PDF, 14 Kb).

Yes. If you are subject to the I-864 (Affidavit of Support Under Section 213A of the Act) requirement, as almost all immigrant visa applicants in the Dominican Republic are, the petitioner must submit an I-864 for you. Otherwise, the consular officer will not be able to issue you a visa. This requirement applies even if the petitioner is not working or is working but does not earn enough money to support you. In these circumstances, your petitioner may find a joint sponsor who is willing to file an I-864 for you, or he or she may have a household member who is willing to file a Form I-864A (Contract Between Sponsor and Household Member).

I am married to a U.S. citizen and am waiting for my adjustment of status interview in the United States. My child, who is my spouse's stepchild, is in the Dominican Republic and is about to have a legal permanent resident visa interview. Do I have to become a legal permanent resident before my child can be issued an immigrant visa? There is no requirement that you ever become a legal

permanent resident. However, in order for your child to qualify as your spouse's stepchild, the consular officer must be convinced that your marriage is legitimate for immigration purposes. The most direct way for the consular officer to know that the marriage is bona fide is for U.S. Citizenship and Immigration Services of the Department of Homeland Security to have adjusted your status to that of legal permanent resident. If you are not yet a legal permanent resident, the consular officer may require alternative evidence (e.g., joint rental agreements, bank statements, phone bills, photographs, etc.). You and your spouse may even be invited to the Consular Section for an interview with the consular officer. Please see 9 FAM 40.1 N2.2 (PDF, 178 Kb) for more information concerning the legal definition of stepchild

If you are issued an immigrant visa under a category that requires you to be unmarried, and you marry after receiving the visa but before being admitted to the United States, you will be subject to exclusion from the United States. If you have questions about your particular situation, please contact us.

If the petitioner dies before the principal beneficiary has immigrated to the United States, the petition is automatically revoked pursuant to 8 CFR 205.1(a)(3). This means that the consular officer will not be able to issue a visa to any of the beneficiaries of the petition and will be required to return the petition to the Department of Homeland Security (DHS).

If there are compelling humanitarian circumstances, the consular officer may recommend that DHS reinstate the petition. Alternatively, the applicant may contact directly the DHS office that approved the petition to request that it be reinstated for humanitarian reasons. If DHS reinstates the petition, the consular officer will contact the applicant(s) soon thereafter.

Eligibility of derivative applicants seeking to follow to join a principal beneficiary who has already acquired legal permanent resident status is dependent on the continuing legal permanent resident status of the principal, not on the status of the petitioner. Therefore, if the petitioner dies after the principal applicant has already become a legal permanent resident and one or more derivative applicants seek to follow to join the principal applicant, the derivatives retain eligibility to follow to join despite the death of the petitioner. Please see 8 CFR 213a.2(f) for information concerning the Form I-864 (Affidavit of Support Under Section 213A of the Act) requirement in such circumstances.

If the principal beneficiary dies at any time before the derivative beneficiary immigrates to the United States, the consular officer will not be able to issue a visa to the derivative beneficiary. Humanitarian reinstatement does not apply in such a case, though humanitarian parole may be an option. Please see 9 FAM 42.1 N4 (PDF, 149 Kb) for more information on humanitarian parole.

If you are a man and are between 18 and 26 years old when you enter the United States, you must register with the U.S. Selective Service System within 30 days after you enter the United States. If you are required to register, do so promptly. You cannot register after you reach age 26. Registration is for conscription into military service in an emergency mobilization of the armed forces. There is no conscription at this time.

To register, go to the nearest United States Post Office, obtain a registration form, fill in the information requested and hand the completed form to the postal clerk. Within 90 days, you should receive a Registration Acknowledgement postcard from Selective Service. If you do not hear from Selective Service within this period, it is important that you contact Selective Service to verify your registration status. Alternatively, you may register online. You may also verify your registration status online.

U.S. consular officers are only allowed to issue immigrant visas to those applicants who qualify under the law. A visa can be refused for a variety of reasons. For example, your immigrant visa could be denied if you have a criminal record, if you lie during your visa interview, if you lived in the United States without permission, or if your economic documents are insufficient. There are many other possible reasons that a visa can be refused. Please see 9 FAM 40.6 Exhibit I (PDF, 197 Kb) for an abridged list of ineligibilities (i.e., reasons your visa may be refused).

Some immigrant visa refusals may be overcome with additional evidence (for example, 212(a)(4) - public charge), some refusals require a waiver from the Department of Homeland Security (for example, 212(a)(9)(B) - unlawful presence) before a visa can be issued, and some refusals are absolutely permanent (for example, 212(a)(2)(C) - controlled substance trafficker).

On the day of your immigrant visa appointment, the consular officer will interview you and either will approve your visa or deny it. If the consular officer approves your visa, the visa package will be mailed to you via a courier service. If the visa is refused, the consular officer will give you a refusal letter listing the section of law under which your visa was refused. The letter will also give you detailed instructions on what to do next. It is very important that you follow the instructions exactly. If you don't follow the instructions, you can be sure that your case will be delayed, and it is possible that you will lose your chance to live and work in the United States. Please contact us if you do not understand the instructions in the letter. We will be glad to answer your questions.

<http://eduln.org/7112.pdf>

<http://eduln.org/13834.pdf>

<http://eduln.org/15223.pdf>

<http://eduln.org/1408.pdf>

<http://eduln.org/3885.pdf>

<http://eduln.org/14963.pdf>

<http://eduln.org/20853.pdf>

<http://eduln.org/6671.pdf>

<http://eduln.org/19436.pdf>

<http://eduln.org/8289.pdf>

<http://eduln.org/8855.pdf>

<http://eduln.org/3191.pdf>

<http://eduln.org/2561.pdf>

<http://eduln.org/18177.pdf>

<http://eduln.org/14729.pdf>