



Immigrant Visa for Spouse of a US Citizen

Appropriate process to bring spouse to the US if:

- *US citizen has legally married foreign spouse; and*
- *After marriage foreign spouse continues to live abroad.*

Steps

1. You legally marry your spouse and register the marriage.
2. After marriage, you file an I-130 immediate relative petition. The I-130 is initially filed with a USCIS “lockbox”, which is a centralized location set up for the purpose of receipting in your case. The case is then forwarded to one of the Service Centers. **As of July 2012, it is taking about 5 months for adjudication.**
3. Once the I-130 petition is approved, USCIS forwards the approved petition to the US Department of State’s National Visa Center (NVC). NVC will send an invoice to you for the visa fees. It takes 4 to 8 weeks to receive the invoice after the I-130 is approved. The invoices are sent out via email when possible. You can pay the visa fees online as soon as you receive the invoice.
4. After you have paid the visa fees, you will be given access to a list of forms, documents, and a cover sheet that must be returned to the NVC. Once you return these items to the NVC, everything will be reviewed by an NVC officer to ensure that the file is ready for an interview. If the NVC believes that you are missing a document or that one of the forms is incorrect, they will send correspondence to you letting you know what must be corrected before your spouse can be scheduled for an interview. The length of time it takes to satisfactorily submit these items varies. Some clients submit everything within a week or two after paying the visa fees; it takes others several months.
5. When the NVC is satisfied with the documents, it will schedule an interview for your spouse at the appropriate US Embassy and forward the file to that Embassy. **(Budget about \$300 for spouse’s immigration medical exam.)** We do not know long it will take for your spouse to be scheduled for an interview. It depends on the backlog at the specific Embassy where your spouse will be interviewed. In some countries, such as the United Kingdom, it only takes a couple of months to get an interview. In other countries, the wait time is longer.
6. Eventually, you and your spouse will receive notification that an interview has been scheduled for your spouse at the Embassy. If everything goes well at the interview, your spouse will be issued an “immigrant visa”, usually within a week after the interview. Your spouse will have up to 6 months after the visa is issued to enter the United States.
7. On the day your spouse enters the US with the immigrant visa, he or she will become a “Lawful Permanent Resident.” Your spouse will receive a Permanent Resident card (aka green card) in the mail within a month or so after arrival. As a Lawful Permanent Resident, your spouse can accept employment & can travel abroad right away. [Note that if you have been married for less than 2 years on the day your spouse enters the US with an immigrant visa, then your spouse will receive conditional permanent residence. This status is valid for 2 years. At the end of the 2 year period you must jointly file a petition to remove the conditions on your spouse’s residence (Form I-751).]

Timing—For most people, I estimate approximately 10 months from the time the I-130 petition is filed until the foreign spouse is granted an immigrant visa.

Note about K-3 Visas: *If you find information online about Spouses of a US Citizens obtaining K-3 visas to enter the US more quickly, please be advised that we consider the K-3 to be obsolete. When the K-3 Visa was created, the purpose was to reduce the amount of time it took for the spouse of a US citizen to enter the US. USCIS has considerably sped up there processing times so that K-3 visas are no longer useful.*