

SEARCH

Immigrant Visa for a Spouse of a U.S. Citizen (IR1 or CR1)

Important Notice

Same-sex spouses of U.S. citizens and Lawful Permanent Residents (LPRs), along with their minor children, are now eligible for the same immigration benefits as opposite-sex spouses. Consular officers at U.S. Embassies and Consulates will adjudicate their immigrant visa applications upon receipt of an approved I-130 or I-140 petition from USCIS. For further information, please see our FAQ's.

Important Notice: Provisional Unlawful Presence Waivers

For Provisional Waiver I-601A applicants, see our FAQs to learn more about the National Visa Center process and you. A Spanish translation of our FAQs is available [here](#).

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What Is a "Spouse"?

A spouse is a legally wedded husband or wife.

- Merely living together does not qualify a marriage for immigration.
- Common-law spouses may qualify as spouses for immigration purposes depending on the laws of the country where the common-law marriage occurs.
- In cases of polygamy, only the first spouse may qualify as a spouse for immigration.

The First Step toward an Immigrant Visa: Filing the Petition

The first step is to file a Petition for Alien Relative, Form I-130, with the Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) for your spouse (husband or wife) to immigrate to the United States. For instructions on how to file a petition, including where you should send the petition, see the USCIS website.

In certain circumstances, a U.S. citizen living abroad can file an immigrant visa petition outside of the United States. Review Filing Immigrant Petitions Outside the United States to learn more.

U.S. Sponsor Minimum Age Requirement

There is no minimum age for a U.S. sponsor (petitioner) to file a petition for a spouse. However, you must be at least 18 years of age and have a residence (domicile) in the U.S. before you can sign the Affidavit of Support (Form I-864 or I-864EZ). This form is required for an immigrant visa for a spouse and other relatives of U.S. sponsors.

Is Residence in the U.S. Required for the U.S. Sponsor?

Yes. As a U.S. sponsor/petitioner, you must maintain your principal residence (also called domicile) in the United States, which is where you plan to live for the foreseeable future. Living in the United States is required for a U.S. sponsor to file the Affidavit of Support, with few exceptions. To learn more, review the Affidavit of Support (I-864 or I-864EZ) Instructions.

If You Were an LPR and Are Now a U.S. Citizen: Upgrading a Petition

If you filed a petition for your spouse when you were a lawful permanent resident (LPR), and you are now a U.S. citizen, you must upgrade the petition from family second preference (F2) to immediate relative (IR). You can do this by sending proof of your U.S. citizenship to the National Visa Center (NVC). You should send:

- A copy of the biodata page of your U.S. passport; or
- A copy of your certificate of naturalization

Important Notice:

If you are now a U.S. citizen, you must file separate immigrant visa petitions for each of your children. If you upgrade a family second preference (F2) petition for your spouse and you did not file separate petitions for your children when you were a lawful permanent resident (LPR), you must do so now. A child does not receive derivative status in an immediate relative (IR) petition. This is different from the family second preference (F2) petition where a child is included in his/her parent's F2 petition. A child is not included as a derivative in his/her parent's IR petition.

Children born abroad after you became a U.S. citizen may qualify for U.S. citizenship. They should apply for U.S. passports. The consular officer will determine whether your child is a U.S. citizen and can have a passport. If the consular officer determines your child is not U.S. citizen, the child must apply for an immigrant visa if he/she wants to live in the United States.

Next Steps - Fees, Affidavit of Support, and Visa Application

After USCIS approves the petition, it is sent to the National Visa Center (NVC). Once received, the NVC will assign a case number for the petition and instruct the applicant to complete Form DS-261, Choice of Address and Agent. (NOTE: If you already have an attorney, the NVC will not instruct you to complete Form DS-261.) The NVC will begin pre-processing the applicant's case by providing the applicant and petitioner with instructions to submit the appropriate fees. After the appropriate fees are paid, the NVC will request that the applicant submit the necessary immigrant visa documents, including the Affidavit of Support, application forms, civil documents, and more. Learn more about National Visa Center visa case processing.

Fees

Fees are charged for the following services:

- Filing an Immigrant Petition for Alien Relative, Form I-130 (this fee is charged by USCIS).
- Processing an immigrant visa application, Form DS-260 (see **Note** below)
- Medical examination and required vaccinations (costs vary)
- Other costs may include: translations; photocopying charges; fees for obtaining the documents you need for the immigrant visa application (such as passport, police certificates, birth certificates, etc.); and expenses for travel to the U.S. embassy or consulate for your visa interview. Costs vary from country to country and case to case.

For current fees for Department of State services, see Fees for Visa Services. For current fees for USCIS services, see Check Filing Fees on the USCIS website.

Note: Fees must be paid for each intending immigrant, regardless of age, and are not refundable.

Fees should not be paid to the NVC or paid at the U.S. Embassy or Consulate where you have your visa interview unless specifically requested. Applicants will be provided with instructions by the NVC on where and when to pay the appropriate fees. These instructions are also contained on Pay Processing Fees. Do not send payments to the NVC's address in Portsmouth, New Hampshire.

Required Documentation

In general, the following documents are required:

- **Passport(s)** valid for 60 days beyond the expiration date printed on the immigrant visa
- **Affidavit of Support** (I-864, I-864A, I-864 EZ, or I-864W, as appropriate) from the petitioner/U.S. sponsor.
- Form DS-260, Immigrant Visa and Alien Registration Application.
- Preview a sample DS-260 (6.4MB).
- **Two (2) 2x2 photographs.** See the required photo format explained in Photograph Requirements.
- **Civil Documents** for the applicant. See Documents the Applicant Must Submit for more specific information about documentation requirements, including information on which documents may need to be translated. The consular officer may ask for more information during your visa interview. If not already submitted to the NVC, bring clear, legible photocopies of civil documents, such as birth and marriage certificates, and any required translations to your immigrant visa interview. Original documents and translations can then be returned to you.
- Completed **Medical Examination Forms** – These are provided by the panel physician after you have completed your medical examination and vaccinations (see below).

Visa Interview

Once the NVC determines the file is complete with all the required documents, they schedule the applicant's interview appointment. NVC then sends the file, containing the applicant's petition and the documents listed above, to the U.S. Embassy or Consulate where the applicant will be interviewed for a visa. The applicant, petitioner, attorney, and third-party agent, if applicable, will receive appointment emails, or letters (if no email address is available), containing the date and time of the applicant's visa interview along with instructions, including guidance for obtaining a medical examination.

Applicants should bring their valid passports, as well as any other documentation above not already provided to NVC, to their visa interviews. During the interview process, ink-free, digital fingerprint scans will be taken. Generally, applicants will receive their original civil documents and original translations back at the time of interview.

Rights and Protections - Pamphlet

You should read the Rights and Protections pamphlet before your visa interview to learn about your rights in the United States relating to domestic violence, sexual assault, and child abuse and protection available to you. The consular officer will verbally summarize the pamphlet to you during your interview.

Medical Examination and Vaccinations

Important Notice:

In preparing for your interview, you will need to schedule and complete your medical examination and any required vaccinations before your visa interview. Before an immigrant visa can be issued, every applicant, regardless of age, must undergo a **medical examination which must be performed by an authorized panel physician**. Applicants are provided instructions by NVC regarding medical examinations, including information on authorized panel physicians. See Medical Examination for more information, including a list of panel physicians by country, and frequently asked questions.

Vaccination Requirements

U.S. immigration law requires immigrant visa applicants to obtain certain vaccinations prior to the issuance of immigrant visas. See Vaccination Requirements for IV Applicants for the list of required vaccinations and additional information.

What Is Conditional Residence?

If you have been married for less than two years when your foreign citizen spouse enters the United States on an immigrant visa, his or her permanent resident status is considered "conditional." The immigrant visa is a conditional resident (CR) visa, not an immediate relative (IR) visa.

You and your spouse must apply together to USCIS to remove the conditional status within the ninety days before the two-year anniversary of your spouse's entry into the United States on his or her immigrant visa. The two-year anniversary date of entry is the date of expiration on the alien registration card (green card). See Remove Conditions on Permanent Residence Based on Marriage on the USCIS website.

How Long Does It Take?

The length of time varies from case to case and cannot be predicted for individual cases with any accuracy. Some cases are delayed because applicants do not follow instructions carefully. Sometimes the U.S. sponsor, or petitioner, cannot meet Affidavit of Support requirements. Some visa applications require further administrative processing, which takes additional time after the visa applicant's interview by a consular officer.

Ineligibilities for Visas - What If the Applicant Is Ineligible for a Visa?

Certain conditions and activities may make an applicant ineligible for a visa. Examples of these ineligibilities include: drug trafficking; overstaying a previous visa; and submitting fraudulent documents. If you are ineligible for a visa, you will be informed by the consular officer and advised whether there is a waiver of the ineligibility available to you and what the waiver process is. Classes of Aliens Ineligible to Receive Visas contains the complete list of ineligibilities.

Misrepresentation of Material Facts or Fraud

Attempting to obtain a visa by the willful misrepresentation of a material fact or fraud may result in you becoming permanently ineligible to receive a U.S. visa or enter the United States.

When You Have Your Immigrant Visa - What You Should Know

If you are issued an immigrant visa, the consular officer will give you your passport containing the immigrant visa and a sealed packet containing the documents which you provided. It is important that you **do not open the sealed packet**. Only the U.S. immigration official should open this packet when you enter the United States. You are required to enter the United States before the expiration date printed on your visa. When traveling, the primary (or principal) applicant must enter the United States before or at the same time as family members holding visas.

If you receive your immigrant visa on or after February 1, 2013, you must pay the USCIS Immigrant Fee to U.S. Citizenship and Immigration Services (USCIS) after you receive your immigrant visa and before you travel to the United States. Only children who enter the United States under the Orphan or Hague adoption programs, Iraqi and Afghan special immigrants, returning residents (SB-1s), and those issued K visas are exempt from this fee. Select USCIS Immigrant Fee on the USCIS website for more information.

Important Notice: USCIS will not issue a Permanent Resident Card (Form I-551 or Green Card) until you have paid the fee.

Entering the U.S.: Port-of-Entry

A visa allows a foreign citizen to travel to the U.S. port-of-entry and request permission to enter the U.S. Applicants should be aware that a visa does not guarantee entry into the U.S. The DHS, U.S. Customs and Border Protection (CBP) officials have authority to permit or deny admission to the U.S. Travelers should review important information about admissions and entry requirements on the CBP website under Travel. Once you have been admitted to the U.S. as a permanent resident, your Permanent Resident Card, Form I-551 (formerly called Alien Registration Card, also known as a *green card*) will be mailed to you.

How to Apply for a Social Security Number Card

If you elected on your immigrant visa application form to receive your Social Security Number Card upon admission to the United States as an immigrant, your card will be sent via mail to the U.S. address you designated on your application form, and should arrive approximately six weeks following your admission. If you did not elect to receive your Social Security Number Card automatically, you will have to apply to be issued a card following your arrival in the United States. To learn about applying for a Social Security Number Card, visit the Social Security Administration website.

When You Are a Permanent Resident

Coming to the United States to live permanently, you will want to learn more about your status as a Lawful Permanent Resident. See *Welcome to the United States: A Guide for New Immigrants* to review information on the USCIS website about living in the United States.

Additional Information







Immigrant visa applicants should not make any final travel arrangements, dispose of property, or give up jobs until and unless visas are issued. Some visa applications require further administrative processing, which takes additional time after the visa applicant's interview by a consular officer. An immigrant visa is generally valid for six months from the issuance date.

General Visa Questions

- Before submitting your inquiry, we request that you carefully review this website for answers to your questions. Because of the volume of inquiries, we cannot promise an immediate reply to your inquiry.
- If your inquiry concerns a visa case in progress overseas, you should first contact the U.S. Embassy or Consulate handling your case for status information. Select U.S. Embassy or Consulate to find contact information.
- You can find contact information for the Office of Visa Services, Public Inquiries Division at [How to Contact Us](#).

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