

Marriage Based Immigration Process for a Spouse Living Outside the U.S.

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If you are a U.S. Citizen or lawful permanent resident and are married to a foreign national who is living abroad, you may file an I-130 Petition for Alien Relative for them to come to the U.S.^[1]

Steps for the Entire Process:

- Filing the I-130:

The first step of starting this process is for the U.S. citizen to file the I-130 petition along with all supporting evidence to the U.S. Citizenship and Immigration Services (USCIS). *See below for a check list of what is needed for the I-130 filing.

- Green Card Application:

The second step of this process is after the I-130 petition is approved. USCIS will transfer the case to the National Visa Center (NVC) which will determine if the case is ready for consular processing. The NVC will assign you a case number. Once you receive your case number from NVC you will need to file the DS-260, Immigrant Visa Application online. Once submitted, you will print the confirmation page (you must bring it to the interview at the U.S. consulate). You will also be required to submit supporting documents to the NVC. Once all steps are completed with the NVC, they will transfer all of the documents to the consulate to process.

- Steps to Take Before the Consular Interview:

Before the interview, the spouse beneficiary is required to attend a medical examination by a State Department-approved doctor. The doctor will give you a sealed envelope with the exam records which to be submitted during the interview. In many countries, a fingerprinting appointment must also be made at an application support center for the purpose of background security checks.

- Consular Processing – Interview and Approval:

The consular processing requires that the foreign spouse will attend an interview abroad at a U.S. embassy or consulate in their country of residence. The interview is the final major step the green card process. A notice will be sent with an exact date, time and location for the interview. Some applicants may be lucky enough to receive an approval on the spot.

Before traveling to the U.S., the immigrant fee will need to be paid to the USCIS online.[2] The spouse will then receive a visa stamp on their passport to travel to the U.S. Once in the U.S., a green card will be mailed to the couple's U.S. address.[3]

Check List for Step One – Filing the I-130, Petition for Alien Waiver

- Form I-130, Petition for Alien Waiver
- G-28, Notice of Entry of Appearance as Attorney or Accredited Representative (signed by U.S. Citizen)
- I-130A, Supplemental Information for Spouse Beneficiary
- USCIS filing fees* (\$535 as of 11/15/18)
- One passport photo of U.S. citizen
- One passport photo of foreign spouse
- Proof of U.S. citizenship: copy of U.S. passport, Certificate of Naturalization
- Copy of marriage certificate
- Copy of any divorce decrees (if applicable)
- Copy of any name change documents (if applicable)
- Birth certificates of children born to you and your spouse together (if applicable)
- Photos of the couple together
- Documentation showing that you and your spouse have combined financial resources, or any other relevant documentation showing that there is a legitimate and ongoing marriage. This may include documentation of communication (WhatsApp, Email, Skype, etc.), Western Union receipts; documentation of visiting each other (such as travel itineraries), etc.

***NOTE:** Filing fees are subject to frequent revisions, as are the forms and requirements. For the current fee amounts, please check the USCIS website I-130 page. [4] This has the most current instructions, I-130 and I-130A forms and information on where to file.

[1] <https://travel.state.gov/content/travel/en/us-visas/immigrate/the-immigrant-visa-process/petition.html>

[2] <https://www.uscis.gov/forms/uscis-immigrant-fee>

[3] <https://www.boundless.com/immigration-resources/guides/us-family-spouse-citizen-abroad/>

[4] <https://www.uscis.gov/i-130>