



**Embassy of the United States of America
100 Duke & Young Streets, Kingston, Georgetown, Guyana**

Ask the Consul Installment One Hundred Twenty-Seven Immigrant Visa Questions

This edition of Ask the Consul addresses common questions that applicants ask when they intend to travel outside the United States.

Can you give me any advice to help my chances at getting my immigrant visa the first time I go to the Embassy?

First, if you or the petitioner has reliable email, provide the National Visa Center (NVC) an address where you can receive information about your appointment. In many instances, email communication is a faster and more secure way to receive letters and information from NVC.

Second, it is important to have all the required documentation at the time of the interview, such as recently issued birth and marriage certificates (no more than two years since issuance). This documentation also includes a complete medical exam by one of the doctors authorized by the Consular Section. NVC will send you a checklist of required documents with your appointment letter.

Third, make sure that the Affidavit of Support(s) filed by the petitioner and/or joint sponsor meets the Poverty Income Guidelines available at <http://www.uscis.gov/files/form/i-864p.pdf>. It is important for the petitioner and/or joint sponsor to complete form I-864 truthfully and that the information given coincides with the information provided to the Internal Revenue Service.

Lastly, if the applicant intends to add any derivative beneficiaries to his or her petition, it is important for the applicant to inform NVC at the earliest possible time and to bring the additional applicants to the interview, along with the required fees and documentation. This would ensure that the derivative beneficiaries' visa

applications are reviewed and adjudicated at the same time as the principal applicant's petition.

At my immigrant visa interview, the officer told me I was ineligible because I was previously denied a visa based upon a fraudulent marriage or engagement. Can I ask for a waiver and still immigrate?

There is **no** waiver for committing marriage or engagement fraud. Section 204C of U.S. immigration law states that an applicant who is found to have participated in a fraudulent marriage or engagement for a U.S. immigration benefit can never be a beneficiary on another petition of any kind. The applicant who was involved in a fraudulent relationship will be permanently ineligible.

When an applicant who has a prior fraudulent relationship is petitioned a second (or more) time by another person, the Department of Homeland Security normally denies the approval of the later petition. But, even if the case is somehow scheduled for an interview in Georgetown, the Consular Officer will deny the visa based upon the prior fraudulent marital or engagement relationship. We will then send the case back with a recommendation to revoke the petition. When the Department of Homeland Security receives the file, they will send a letter to the petitioner asking for an explanation or reason why they should not revoke the petition. For 204C issues, the applicant would have to prove that the prior relationship was not in fact fraudulent before the case could move forward.

Engaging in a fraudulent marriage or engagement has serious consequences, including permanently barring one from entering the US for life. If you would like more information about this please refer to Section 204(c)(1) of the Immigration and Nationality Act, available online at the United States Citizen and Immigration Services' (USCIS) website, www.uscis.gov, under the laws' tab.

The Consul approved my immigrant visa, but said my children could not be included in my petition. How can my children obtain immigrant visas?

Immigration law allows unmarried and minor (under 21) children to be included in their parent's petition, but not always. For example, if a Legal Permanent Resident (LPR) petitions a spouse as Principal Applicant the children may be included in the same petition as "derivatives." However, the children of a "derivative" can never be included. If the petitioner becomes an American Citizen before the spouse and children are issued visas, the children can no longer be included in the parent's case. The petitioner should always check with the United States Citizen and

Immigration Services (USCIS) to see if they can file separate petitions for their children.

If you are a derivative applicant and your child cannot be included in your petition, you should immediately submit a petition for your child when you receive your residency. Your child's case will receive a "priority date" by USCIS. This date is very important as it determines when your child will have an interview. If your child changes categories, you should request further guidance from USCIS because wait times for an interview may change as well.

Only applicants who have a priority date earlier than the cut-off date will be eligible for an interview. The dates change monthly. Currently the wait time for a minor child of a LPR is about four years. There is no wait time for the child of an American Citizen other than the normal processing time at USCIS. If you become an American Citizen while the petition for your child is pending, please notify USCIS. The wait times for an interview can be found at:
http://travel.state.gov/visa/bulletin/bulletin_5452.html.

“Ask the Consul” is a bi-weekly column from the U.S. Embassy answering questions about U.S. immigration law and visa issues. If you have a general question about visa policy please email it to us at AskGeorge@state.gov. We select questions every other week and publish the answers in Stabroek News and on our website at <http://georgetown.usembassy.gov/ask-the-consul.html>. Information about visas and travel can be viewed at <http://georgetown.usembassy.gov>, <http://travel.state.gov>, and at <http://www.dhs.gov>. Applicants are strongly encouraged to prepare their own documents and avoid third-party advice. U.S. Consular rules change frequently and non-US government advisors often provide inadequate or inaccurate information. Other than the questions we select, we DO NOT respond to questions sent to Ask the Consul. Please contact the visa inquiries unit (email visageorge@state.gov or call 225-7965 between 8 am and 4 pm Monday through Friday) if you have questions about a specific case.