



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

## **Installment 87**

### **Ask the Consul – Events which Impact Your Immigrant Visa Status**

**Q: I have an immigrant visa petition pending and am thinking about getting married. Will this affect my petition?**

A: The U.S. Embassy strongly encourages applicants and petitioners to understand the visa that they are applying for as certain events may delay or even terminate an immigrant visa petition. Each different class of visa requires petitioners and applicants to meet strictly defined criteria, and marriage (or divorce or even death of a parent or spouse) may impact your visa petition. Age changes also may affect your visa status and eligibility for the category of immigrant visa that you are seeking. Furthermore, criteria may be different for family members applying as derivatives than it is for the principal applicant being petitioned for. For detailed questions regarding your specific visa category, please refer to [www.travel.state.gov](http://www.travel.state.gov) or a U.S. immigration attorney.

**Q: My husband was a legal permanent resident when he filed a petition for me and our two kids, but he just became a U.S. citizen by naturalizing. Will this affect my petition?**

A: Yes – your visa classification just changed from being an F21 to an IR1 or CR1. This change has little impact on you, but your husband should immediately file new I-130 petitions for your children so that they can migrate at the same time as you.

The F21 visa class allows children to receive visas as derivatives of the alien parent who is the primary applicant. An IR1 or CR1 visa, however, has no provision for derivatives; only the spouse of the U.S. citizen is eligible for a visa under this classification. If the petitioner naturalizes and then fails to file new petitions for each child, the children will NOT be interviewed with the spouse, and will NOT be able to receive visas at the same time as the spouse.

**Q: My ailing father filed an immigrant visa petition for my family and I'm afraid his health may fail before our petition becomes current. What does this mean for our petition?**

A: Unfortunately, the death of the petitioner will normally terminate any visa petition. The Department of Homeland Security, at its discretion, allows a substitute petitioner to keep the petition active in certain circumstances, however. For more information, please visit [www.uscis.gov](http://www.uscis.gov) or contact a U.S. immigration attorney.

Some visa classifications allow derivative applicants to be issued visas based on the derivatives' relationship to the principal applicant. In these visa classes, the death of the principal applicant would also terminate the petition.

**Q: I have raised a child who is not mine since shortly after his birth and have an immigrant visa petition pending. Will this child be able to come to the U.S. with me as a derivative?**

A: The answer may be yes, but you must ensure you have completed a full legal adoption of the child under local Guyana laws first. Under U.S. immigration law, the adoption must have been finalized by the child's 16<sup>th</sup> birthday, with certain rare exceptions. If you are the permanent caretaker for a child that is not your child and expect to be the beneficiary of an immigrant visa in the future, the Embassy strongly encourages you to consider adopting that child so that he or she may legally be considered your child for immigration purposes under U.S. law. For more information, please refer to your local adoption authorities and [www.travel.state.gov](http://www.travel.state.gov).

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*“Ask the Consul” is a 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](mailto:AskGeorge@state.gov). We select questions each week and publish the answers in Stabroek News and on our website at [http://georgetown.usembassy.gov/guyana/ask\\_con.html](http://georgetown.usembassy.gov/guyana/ask_con.html). For more information about visas please see <http://www.unitedstatesvisas.gov> or <http://georgetown.usembassy.gov/>.*

*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](mailto:visageorge@state.gov) or call 225-7965 between 8 am- 12 pm and 1 pm- 4 pm Monday through Friday) if you have questions about a specific case.*