



Chapter 2: Consular processing for the spouse of a U.S. citizen (applying for a green card outside of the U.S.)

Consular processing defined

When a U.S. citizen sponsors their spouse for a marriage green card, the couple can choose to do the green card interview either in the U.S. or abroad at a U.S. embassy / consulate. Generally, couples prefer the first option, called adjustment of status (see Chapter 1 for more details).

However, some couples choose to do the interview abroad, which is called consular processing. Consular processing can be a good option if you prefer to keep working in your home country until your marriage green card is ready.¹ If you choose this option, however, keep in mind that consular processing is more time-consuming and expensive than adjustment of status.

There are two steps involved in consular processing: the marriage green card petition, followed by the green card interview at a U.S. embassy / consulate abroad.

Step 1: The marriage green card petition

Marriage green card petition - required forms and documents

You will need to file forms I-130 and I-130a with USCIS. An optional form is the G-1145. You can file your application online using a My USCIS account, or by sending a paper application to USCIS through the mail.

Let's explore each of these forms in detail.

Form I-130, marriage green card petition

¹ Consular processing may also be necessary if you are in the U.S. but originally came without a visa or other travel document, in which case immigration laws may require you to attend your green card interview abroad rather than in the U.S. If this is your situation, then you will probably need to also file form I-601a, the provisional waiver of unlawful presence. This is a delicate process, and you will need to hire an immigration lawyer.



Form I-130 is the marriage green card petition. Your U.S. citizen partner is the petitioner, and you (the green card applicant) are the beneficiary. The I-130 form is 12 pages in length, and USCIS requires certain information about both your U.S. citizen spouse and you, such as your address history for the last five years, your employment history, information about your children, and previous marriages.

With your form I-130, you will need to include the following documents:

- Proof of your U.S. citizen spouse's citizenship (U.S. passport photo page, birth certificate if they were born in the U.S., certificate of naturalization, etc.)
- Your marriage certificate
- Your divorce certificates, if you were previously married
- Your spouse's divorce certificates, if they were previously married
- Proof that your relationship is "bona fide", or authentic, such as 15-20 photos of your partner and you together, joint bank account statements for every month that you've had an account together, a joint lease, a joint mortgage, joint tax return filings, birth certificates of your children together, etc.
- You will also need to include two passport-style photos of your partner, and two of you (2 inches x 2 inches)
- The current USCIS filing fee is \$535. You can pay with a check or money order paid to "U.S. Department of Homeland Security", or with a credit card using form G-1450

I-130a, supplemental information

Form I-130a asks for additional information about you, the beneficiary. You'll need to provide information that you previously filled out on the I-130² as well as some other information, such your last address outside the U.S. and information about your parents.

G-1145, e-notification of application / petition acceptance (optional but recommended)

The G-1145 form notifies USCIS that you would like them to advise you by text and/or email when there are updates on your case, like when they have received your application. Although optional, it's always a good idea to include a G-1145 with your immigration applications.

² When filling out immigration applications, USCIS often requires you to repeat information across different forms, such as your employment history. This is annoying, but it's best to just provide the requested information again on each form, even if you end up repeating yourself.



Name changes

If you have ever used a different name, then you will need to include documents showing your name change. For example, if you were married previously and at the time used your ex-partner's last name, then you should include a copy of the marriage certificate from that relationship.

Children

If you have children who also need green cards, your U.S. citizen spouse may be able to sponsor them as well. Whether your spouse can sponsor your children depends on whether your spouse is their biological parent, or their stepparent.

If your U.S. citizen spouse is the stepparent of your children (not their biological parent), then your spouse can sponsor your children if you married before your children turned 18. Your spouse will need to submit separate applications for each of your children, and pay the USCIS fees for each child. If you married after your children turned 18, your U.S. citizen spouse cannot sponsor your children.³

If your U.S. citizen spouse is the biological parent of your children, then your spouse can file for your children at any time, whether your children are under 21 or over, and regardless of when or whether you married.⁴

Translations

You will need to include English-language translations of any foreign-language document that you submit, such as your birth certificate. You should include the English translation on top, followed by the translator's certification, followed by the original-language document.

³ If your spouse is a green card holder rather than a U.S. citizen, you can include your children in your case if your children are under 21 and not married, even if you married your spouse after your children turned 18. Your spouse would need to file only a single application for everyone.

⁴ If your spouse is a green card holder and your children are over 21, then your children must not be married, and there may be a waiting period of several years.



Even if you speak fluent English, you should not do the translations yourself. Instead, use a company like Rush Translate or fiverr.com (choose someone with a high rating).

See Appendix A for a sample translator's certification.

Originals or copies of your documents?

When submitting your application, you should include copies of your documents, not originals. When you attend your green card interview, you should bring originals of your civil documents like birth certificates, passports, marriage certificates, etc. You should also bring a copy of the forms and documents that you submitted to USCIS, in case you need to cross-reference something that the USCIS officer brings up during your interview.

When USCIS approves the I-130 petition

When USCIS receives your application, they will send your spouse an I-797 receipt notice. The receipt notice will contain your case number. You can check your case status online at: <https://egov.uscis.gov/casestatus/mycasestatus.do?appReceiptNum=EAC1920351306>

Your spouse can also receive case updates by creating a My USCIS online account: <https://my.uscis.gov/>

USCIS will send you the receipt notice within a month or two after receiving an application. You should send your application by certified mail, which means that you will receive a tracking number to confirm that USCIS receives your application.

Sometimes USCIS rejects applications. If this happens, USCIS will return your complete case file to your spouse with an explanation of why they didn't accept your application. You will need to review their explanation and try to rectify the situation, and then send the application a second time.

Once USCIS approves your application, they will send your spouse an approval notice and a welcome letter from the National Visa Center (NVC). The welcome letter will contain two numbers that will be important for step 2: your NVC case number, and your invoice ID number.



Step 2: Consular processing (marriage green card interview at a U.S. embassy / consulate abroad)

Working with the National Visa Center

After USCIS approves your I-130 green card petition, you will need to complete step 2 by logging into the NVC (Department of State) website at <http://ceac.state.gov>. Use your NVC case number and invoice ID number to log in. You can find this information in the welcome letter that your spouse will receive from the NVC.

The NVC website will prompt you to complete or submit various online forms and documents, as detailed below.

Form DS-261, choice of address and agent

You will need to complete form DS-261, which asks you to list an address and agent for when receiving correspondence from the NVC. You should select your U.S. citizen spouse.

Form DS-260, application for an immigrant visa

Among other things, form DS-260 will ask about your immigration history in the U.S., as well as your address and employment history. In addition to completing the DS-260 form, you will need to pay the DS-260 fee of \$325 via a U.S. debit card or savings/checking account.

Form I-864, affidavit of support (financial sponsorship form)

The I-864 is the “affidavit of support” form, which your spouse must fill out. Your spouse is agreeing to be your financial sponsor, and to be financially responsible if you end up as a “public charge” to the U.S. government.



How much money does your spouse need to make to be your financial sponsor? For a family of two (your spouse and you, with no children or dependents), USCIS requires that your spouse make about \$23,000/year or more. If you have children or dependents, that amount will increase.

You can check the exact income requirements online:

<https://www.uscis.gov/i-864p>

Your spouse will need to include their tax return transcripts for the past three years. You can order tax transcripts online by making an account with the Internal Revenue Service (IRS):

<https://www.irs.gov/individuals/get-transcript>

Your spouse should also include more recent proof of their income, such as the past three months of paystubs, a letter from Human Resources confirming their salary, or a letter from their accountant noting their recent income. Your spouse will also need to include proof of their U.S. citizenship, and proof that they live in the U.S., such as a driver's license.

If your spouse's income is not high enough, you can ask a friend or family member for help by joining your application as a joint sponsor. A joint sponsor can be anyone who is a U.S. citizen or green card holder, who lives in the U.S. They will need to fill out their own I-864 form, in addition to your spouse's I-864. Your joint sponsor will also need to include everything that your spouse included, like taxes, proof of U.S. citizenship or being a green card holder, recent paystubs, a driver's license, etc.

Can your sponsor use assets, like owning a house, to meet the I-864 affidavit of support requirement? Yes, but USCIS generally doesn't like applications based on assets, and will sometimes deny an affidavit of support that is based on assets rather than ongoing income. If possible, it's best to show income rather than assets, even if that means spending time to find someone with a higher income to be your joint sponsor.

You will also need to pay the I-864 fee of \$120 via a U.S. debit card or savings/checking account.

Uploading civil documents to the NVC



You will be required to upload important documents, such as:

- Your birth certificate
- Your passport biographic page
- Your marriage certificate
- Divorce certificates from previous marriages (both your spouse and you)
- Your police certificate
- Two passport-style photos of you (2 inches x 2 inches)

Check the Department of State visa reciprocity website to look up specific document requirements: <https://travel.state.gov/content/travel/en/us-visas/Visa-Reciprocity-and-Civil-Documents-by-Country.html/>

When uploading documents to the NVC, be sure to make clean, color scans using a professional scanner. Don't take photos with your phone! Be sure to capture every word and area of the document.

Working with the NVC is usually a frustrating, time-consuming process. Even if you do everything perfectly, sometimes the NVC will reject your submission and you will need to submit the documents a second time.

Medical exam

After your marriage visa interview is scheduled at your local U.S. embassy / consulate, you will also need to have a medical exam done by a doctor authorized by the Department of State. Check your embassy's website to find a list of authorized doctors.

Your doctor will give you the completed medical exam in a sealed envelope. Don't open the envelope! Instead, ask for a copy of the completed medical exam before your doctor seals the envelope. You should review the copy to ensure that everything was filled out correctly.

Most green card applicants will pass their medical exam easily, but note that the Department of State has certain vaccination requirements. Since October 1, 2021, DoS requires all green card applicants to have received the Covid-19 vaccination, with limited exceptions. If you are opposed to vaccines, you may be able to waive the vaccine requirement using form I-601, which has a \$715 fee.



Green card interview at a U.S. embassy / consulate

After uploading your supporting documents to the NVC website, the U.S. embassy / consulate will schedule your marriage green card interview. Your spouse does not need to attend, and in fact may not be allowed to.

You should bring the original documents of everything that you uploaded to the NVC website. Generally, the marriage visa interview is a formality. As long as you qualify, your visa will likely be approved. You will receive what's called an "immigrant visa", which will allow you to travel to the U.S. to become a green card holder.

Picking up your passport and immigrant visa at the U.S. embassy / consulate

When your visa is approved, you will receive guidance on where to submit your passport. The embassy will need to produce and place the immigrant visa in your passport, which usually takes a few days. They will ask you to come in either to the U.S. embassy / consulate directly to pick up your passport, or to a local courier office.

Pay the USCIS "immigrant fee" online

After you pick up your passport and immigrant visa, but before immigrating to the U.S., you will need to pay the USCIS "immigrant fee" of \$220 online: <https://www.uscis.gov/forms/filing-fees/uscis-immigrant-fee>.

Immigrating to the U.S.

Congratulations! You have an immigrant visa. You should now make plans to immigrate to the U.S.

Note that even after completing steps 1 and 2, you still do not have a green card or U.S. citizenship. You will need to enter the U.S. with your immigrant visa to become a green card holder. After you land in the U.S., USCIS will send you your green card in the mail within a couple weeks.



As a green card holder, you now have the right to live and work permanently in the U.S.

Conditional green cards

If you receive your green card within two years of your marriage, USCIS will issue you a temporary, two-year green card. You will be required to file an I-751 application three months before your green card expires. This is called removing the conditions on your green card.

When you file the I-751, you will need to show that you're still with your U.S. citizen spouse. You should include good documentation to show that you still live together, like joint bank account statements, a joint lease, joint tax filings, birth certificates of your children together, etc.

If you have separated from your spouse since you received your green card, you can still file a successful I-751, for example if your ex is willing to sign the I-751. But even if they are not cooperating, there are other ways of being able to receive your permanent green card. Speak with an immigration lawyer.

Children

If your U.S. citizen spouse filed petitions for your children, they will undergo consular processing separately, under their own case files.

Apply for citizenship

You will be able to apply for U.S. citizenship three years after receiving your green card, if you are still married and living with your U.S. citizen spouse.

Sponsor your family

Congratulations! You are now an American citizen. Now you can sponsor the green cards of your family members: your parents, children, and siblings. If you have children, you should look into whether they can hold dual citizenship (both the U.S. and your home country).