

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

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[Glossary](#)

**Important Notice:** Provisional Unlawful Presence Waivers – Applicants Must Notify the National Visa Center– [Learn More.](#) (Español - pdf)

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## What Is a "Spouse"?

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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.
- Same-sex marriages are not recognized by immigration law for the purpose of immigrating to the U.S.

## The First Step toward an Immigrant Visa: Filing the Petition

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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

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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?

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Yes. As a U.S. sponsor/petitioner, you must maintain your principal residence (also called [domicile](#)) in the U.S., which is where you plan to live for the foreseeable future. Living in the U.S. 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

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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 U.S.

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

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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 send the Choice of Address and Agent form to

the applicant, if an attorney or agent will be used. (NOTE: If you already have an attorney, the NVC will not send you this form.) 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

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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-230 or 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 available on [NVC's Immigrant Visa Processing webpage](#). Do not send payments to the NVC's address in Portsmouth, New Hampshire.

## Required Documentation

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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.
- **Application for Immigrant Visa and Alien Registration**, [Form DS-230](#), both Part I and Part II, or **Online Immigrant Visa Application and Registration**, Form DS-260 (**NOTE: Form DS-260 is a new online application form. It is currently in use for immigrant visa applicants whose cases meet certain criteria. Review [Online Immigrant Visa Forms](#) to learn whether you must complete the online DS-260 form.**)
- **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

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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

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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

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**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

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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?

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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?

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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?

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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

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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

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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 the U.S. Citizenship and Immigration Services (USCIS) after you receive your immigrant visa and before you travel to the United States. 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

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**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 *green card*) will be mailed to you.

## How to Apply for a Social Security Number Card

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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.

## Additional Information

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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

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- 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](#).