

Visas immediately available for families of lawful permanent residents

By Jerry Grzeca and John Sesini
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For the first time in recent memory lawful permanent residents (LPRs) of the United States will be able to obtain immigrant visas for their spouses and children immediately. Even as recently as July, permanent residents had to wait at more than two years to bring their children and spouses to the United States. Historically, the wait was sometimes as long as 6 years!



The number of immigrant visas that may be issued annually is capped by federal law. For spouses and children (under 21 years old) of LPRs there are only 87,900 visas that may be issued annually. But more petitions than that are filed every year. So the State Department grants the petitions in the order that they were received. And as of November of 2012, there were about 220,000 spouses and children waiting for these 87,900 petitions that would be issued in Fiscal Year 2012. In practice, that wait was on average about two and half years.

This July however, the State Department announced that as of August 1, 2013 there was no longer a wait for such petitions. In other words, all spouses and children of LPRs who had pending petitions or who filed a petition before the end of the month could apply to obtain those visas in August.

And the State Department announced that such visas would be available in September as well. But there is no way to know if the waiting times will resume in October. So it is very important that anyone with such a petition already approved, file an application for their visa before the end of September.

Finally, this news does not mean that every lawful permanent resident spouse and child is eligible to receive an immigrant visa. Immigration laws are very complex, and many family members are not eligible to obtain a visa. For one, it is important to remember that spouses of permanent residents are not treated the same way as spouses of US Citizens. So before applying for an immigration benefit, it is important to consult an experienced immigration attorney.

For more information about the current availability of visas for permanent resident spouses and children, or for any other immigration matter, please contact Grzeca Law Group at (414) 342-3000 or visit our website at www.grzecalaw.com.

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