For love... and citizenship? [1]

Hi Alice,

I recently started dating someone who is living in my country for school. They are here on a student visa which expires in a few months. To be honest, I am having very strong feelings for this person and although it hasn't come up in conversation, I was curious to know more about "green card marriages." Could I get in trouble if we decide to get married so they can stay? What type of consequences might that have? How long would we have to be married for in order for them to get a green card? What would happen if things fell through and we got divorced — would they be sent back? Any information would be helpful!

Thanks :)

Answer

Dear Reader,

Studying abroad can be an incredibly enriching experience, especially when romance is involved. If you’re in the United States, there are many ways for your love interest to remain here legally for various periods of time and marriage is one of them. However, if you choose to get married for the sole purpose of extending your sweetie’s stay, you may face serious legal consequences — including up to time in prison and a large fine. Thinking about why you’re wanting to get married may help you determine your best option to move forward.

Before you initiate a conversation about marriage with your partner, it may be helpful to spend time thinking about your motivations for marriage. Are you serious about sharing a future with each other? Would wedding bells be on either of your minds if your partner could stay in the country without getting married? If your answers to either of these questions is “no,” you and your partner may want to take a step back and think about some other options — have you considered a long-distance relationship? Is it possible for you to visit your partner in their country after their visa expires? Marriage is a serious commitment, and its key that the decision be mutual and well thought out by both partners. There may also be serious repercussions if the marriage is for the purpose of obtaining residency or citizenship, rather than due to lifelong partnership.
If you and your partner come to the decision that you do want to get married, there are several steps that'll be necessary. To get the ball rolling, there are many forms that are required by the United States Citizenship and Immigration Services (USCIS), most of which cost money. This process may include applying for visas, and it may vary based on your citizenship status and your partner’s current residency status. Once you’re wed, your partner will be eligible to apply for a Permanent Resident Card, more commonly known as a Green Card. This card allows for permanent residence in the U.S., along with the ability to legally work. Three years after your partner’s Green Card is obtained, they may file for United States citizenship. For more details on this process, you can take a gander at USCIS’ website or find a USCIS office near you.

What happens if you get married only to discover that you aren’t compatible and want to separate or divorce? While couples typically have to file for permanent residency status together before their second wedding anniversary, that requirement can be waived if you can prove that the marriage was entered in good faith but ended in divorce, annulment, or as a result of domestic abuse. If the marriage ends after the foreign spouse obtains a Green Card or United States passport, the card or citizenship won’t be taken away unless they commit a crime or leaves the country for more than a year. As for exploring the emotional intricacies of your relationship as it relates to the challenges with immigration, it might be a good idea to meet with a mental health professional to address some of your concerns.

For those not living in the United States, the exact immigration process may not be quite the same. However, each country will have its own immigration laws and processes, so it would be wise to do some additional research before making a legal marriage commitment to your partner. It’s also helpful to keep in mind that immigration laws can change, so staying abreast of them is critical to successfully applying for status changes. Marriage is a big step forward in a loving relationship and you’re in a unique situation in terms of potential legal issues. Given that each situation is unique, you may find it helpful to reach out to legal experts or immigration non-profits, who may be able to provide further guidance. Good luck!

Alice!

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