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Married to a US citizen

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Submitted by Chief Editor on Apr 27th 2010

I got married to a US citizen in Mumbai under the Special Marriage Act about a month back. He is currently in the US and I am also planning to immigrate there with him. I have a tourist visa & am planning on going to the US on that visa and then apply for change of status. Will it be ok to do that? & once I apply for change of status, am I allowed to stay in the US beyond the regular tourist visa timelines (meaning the stamp given at the immigration counter at the airport showing the last permissible date of stay in the current visit)?

ANSWER:

This may sound silly, but I think you should reapply for a tourist *visa* and tell the consulate what you are planning to do. They may not require a new visa or they may even deny you entry and ask you to wait for your green card. But that, I think is the right thing to do. Once you arrive in USA and file for *adjustment of status*, you can stay beyond your tourist visa/*I-94* duration.

Unless the context shows otherwise, all answers here were provided by Rajiv ^[2] and were compiled and reported by our editorial team from comments and blog on immigration.com ^[3]

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