

## INTRODUCTION

Whether you are hoping to immigrate to the United States, or become a new citizen, the process of earning permission to enter and stay in the US can be as complex as it is rewarding.

Non US-citizens generally enter the US using a visa. Different types of visas are issued depending on the purpose of travel. Anyone wishing to permanently live and/or work in the U.S. needs an immigrant visa. Immigrant visas are allocated based on the principles of reunification of families, admitting immigrants with valuable skills, protecting refugees, and promoting diversity.

With few exceptions, to be eligible for an immigrant visa a foreign citizen must be sponsored by a US relative, US permanent resident, or employer. The sponsor begins the immigration process by filing a petition to US Citizenship and Immigration Services (USCIS). If a petition is approved, an immigrant may travel to the US with an immigration visa package in hand.

Upon arrival at an American port of entry, the immigrant visa package is surrendered to an immigration inspector. The holder will then be given forms that are required to be completed for a Permanent Resident Card (PRC). The card takes approximately 6 to 12 months to process.

It is important to do research ahead of time to ensure that you have the appropriate documents you need when you travel. In addition, it is important to be completely honest in your application packages; there is only one bite at the visa apple – if you are denied an immigrant visa there is no appeal! Prospective applicants should note that the green card and naturalization processes are not cheap. Prices for forms can approach a thousand dollars apiece.

Finally, if either of your parents were citizens by birth or naturalization before you turned 18 years old, you may already be a citizen. Contact the Tokyo embassy if you are unsure about whether or not you qualify for citizenship under this scenario.

## OTHER RESOURCES:

U.S. Embassy, Tokyo, Japan:  
<http://jp.usembassy.gov/>

Naturalization for Military Personnel:  
<https://www.uscis.gov/military>  
<http://www.uscis.gov/files/form/m-599.pdf>

USCIS Applications & Visa Classifications:  
<http://www.uscis.gov/portal/site/uscis>

USCIS Military Help Line  
877-CIS-4MIL (877-247-4645)  
[militaryinfo@uscis.dhs.gov](mailto:militaryinfo@uscis.dhs.gov)

Department of State:  
[http://travel.state.gov/visa/visa\\_1750.html](http://travel.state.gov/visa/visa_1750.html)

**Legal Assistance Hours:**  
By Appointment Only

**Notary Hours:**  
Monday-Friday: 0900-1500

## American Consulates in Japan:

U.S. Embassy, Tokyo

U.S. Consulate General: Naha, Osaka, Sapporo

U.S. Consulate: Fukuoka, Nagoya

\*All American Citizen Services are on an appointment basis, except for emergencies.

\*In Japan, only the embassy in Tokyo and the Consulate General in Naha process immigrant visas.

*Do you have additional questions? If so, contact the Misawa Air Base Legal Office and request to schedule a Legal Assistance Appointment.*

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# Immigration & Naturalization

## This Brochure Includes:

- Immigrant Visas/Green Cards
- Visa Waiver Program
- Naturalization
- Other Resources



The information in this brochure is of a general nature and is not intended as a substitute for legal counsel.  
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## IMMIGRANT VISAS (AKA GREEN CARDS)

A visa allows a foreign citizen to travel to a U.S. port-of-entry (generally an airport) and request permission to enter the United States. A visa does not guarantee entry into the United States. Rather, the Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP) officials at the port-of-entry have authority to permit or deny admission to the United States. Immigrant visas allow foreigners the ability to live in the US. Non-immigrant visas allow foreigners the ability to enter the US for an extended period of time to do business or go on holiday. Other visas are also available for workers and students.

### Procedures

Green Cards are a type of immigrant visa that allow foreign born individuals the opportunity to permanently live and work in the US. The most common grounds for granting this legal status is family-based immigration. With family based immigration, a US citizen/resident 1) sponsors a qualified relative and 2) proves that he has enough assets to support the relative(s) .

Once a petition has been filed and approved, you must visit a local U.S. Embassy to complete an interview and submit an immigrant visa application. The immigrant visa will allow you to travel to the U.S., but it does not make you a Lawful Permanent Resident (LPR). The completed immigrant visa package is surrendered to an immigration inspector at the port of entry, at which time, the immigrant visa holder will be given the forms required to complete an application for a Permanent Resident Card (PRC), commonly known as a "Green Card." That card will normally be mailed to the address of the applicant's final destination in the U.S. and takes approximately 6-12 months to process. You are able to live and work in the U.S., with your immigrant visa, while you wait for your Green Card.

Applying for an immigrant visas requires a number of forms. After completing the necessary paperwork, you will need to schedule an appointment for an interview at the U.S. Embassy in Tokyo. The Embassy's website contains a detailed checklist of all the paperwork necessary for the interview. It also provides a link where you can schedule your interview online. To see the

checklist and schedule your interview, visit: <http://japan2.usembassy.gov/e/visa/tvisa-ivapprequest.html>

The U.S. Embassy strongly encourages Americans and legal permanent residents based in Japan to file an immigrant visa petition for their spouse/children if they think it is possible that they may want to reside in the U.S. in the future. It is advantageous to get the petition on file, so that in the event of an emergency the spouse can complete the immigrant visa process without you.

Green cards usually last 10 years and are renewable. Once you become a lawful permanent resident (green card holder), you must not commit an act that would: A) make you removable from the US; B) cause you to abandon your status; or C) forget to renew your card. Green card holders can eventually apply for and complete the naturalization process.

### Visa Denials

After you interview with a consular official, your application will either be approved or denied. An application may be denied because the consular officer does not have all of the information required to determine if the applicant is eligible to receive a visa, because the applicant does not qualify for the visa category for which he or she applied, or because the information reviewed indicates the applicant falls within the scope of one of the inadmissibility or ineligibility grounds of the law. An applicant's current and/or past actions, such as drug or criminal activities, as examples, may make the applicant ineligible for a visa. Ineligibility waivers may be available, depending on circumstances; that is one reason why it is essential to be truthful when completing immigration forms. If an application is denied, the associated application fees will not be refunded.

## VISA WAIVER PROGRAM

Eligible Japanese citizens may travel to the U.S. for business or pleasure with only a valid passport if they have a return ticket and will not stay for more than 90 days. With this waiver, no tourist visa is required. If you enter the U.S. on the Visa Waiver Program you will not be able to change your status while in the US. Intending immigrants should always enter the U.S. on an immigrant visa. If you to do business or study abroad for longer than 90 days, should apply for a non-immigrant visa.

## NATURALIZATION

Naturalization is the process by which U.S. citizenship is granted to a foreign citizen or national. The basic requirements of naturalization include a civic test, five years of continuous legal residence in the US, and thirty months physical presence in the US. Marriage or military service allow applicants the possibility of shortening or eliminating certain eligibility requirements.

### By Marriage

Generally, to be qualified for naturalization based on marriage an individual must have been a permanent resident for three years, have lived in a marital union with a US citizen for that time, and meet other eligibility requirements.

Spouses of US citizens overseas may be able to qualify for naturalization under special provisions of the Naturalization Act. In these cases, there may be no specific period of permanent residency or physical presence required.

Note: Marriage fraud exists when an immigrant does not legitimately marry a US citizen or resident. It is a serious crime. Persons guilty of such fraud can be deported or face prison sentences.

### Through Military Service

You may be eligible to apply for naturalization based on current or past military service. Being abroad, you may request overseas processing at any time in the naturalization process. This will allow you to be interviewed and naturalized at certain locations abroad.

Spouses and children of U.S. service members may be eligible for expedited or overseas naturalization. In addition, surviving family members seeking immigration benefits receive special consideration. Posthumous citizenship to military members who died while serving in an active-duty status is also a possibility.

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For more specific details on any of the issues discussed in this pamphlet, please make an appointment with the legal office to discuss your specific situation with an attorney.

