

Introduction

There are many different classifications of visas depending on the purpose of the travel.

Anyone wishing to live and/or work in the U.S. permanently requires an immigrant visa before traveling to the United States. Immigration is subject to yearly numerical limitations.

Those wishing to travel or do business for 90 days or less may be eligible to travel under the Visa Waiver Program, using only their passport.

Those wishing to do business or study abroad for longer than 90 days, but still within a finite time period, should apply for a non-immigrant visa.

If you enter the U.S. on a 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.

The immigrant visa package is surrendered to an immigration inspector at the port of entry, at which time, the holder will be given forms required to complete an application for a Permanent Resident Card (PRC). The card takes approximately 6 to 12 months to process.

It is important to do the 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!

OTHER RESOURCES:

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

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

&
<http://www.abanet.org/family/military/silent/immigration.pdf>

U.S. Citizenship and Immigration Service (USCIS) Application Forms and Visa Classifications:
<http://www.uscis.gov/portal/site/uscis>

Department of State:
http://travel.state.gov/visa/visa_1750.html

Handout on Japanese Adoptions

Legal Assistance Hours:

By Appointment Only

Notary & POA Hours:

Monday-Thursday
0900-1100 & 1300-1500



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IMMIGRATION

This Brochure Includes:

- Naturalization for Military Personnel
- Immigrant Visas
- Non-Immigrant Visas
- Visa Waiver Program
- 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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1. Relative Based

As a citizen of the United States, you may help a relative become a lawful permanent resident of the United States by obtaining what is often referred to as a “green card.” To do so, you need to sponsor your relative and be able to prove that you have enough income or assets to support your relative(s) when they come to the United States.

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.

Application

Forms:

- I-130, Petition for Alien Relative,
- G-325B, Biographical Information (One for both sponsor and relative),
- I-864, affidavit of support

These forms are available free online at uscis.gov.

About the Forms:

I-130, Petition for Alien Relative

The purpose of this form is to establish the relationship between the sponsor and the relative. Because of this, there is substantial supporting documentation necessary to prove this relationship. For example, if you are married, USCIS does not just want to see a marriage certificate. They want additional documentation, such as a lease, to show your marriage is not a fraud intended for the purpose of securing an immigration status.

Read the I-130 directions carefully to ensure you have all necessary supporting documentation! If you don't, USCIS will return the form and require you to repay the \$535 filing fee!

G-325B, Biographical Information

This form is used to do a background check on the sponsor and their relative to ensure that they are not disqualified from entering the United States for some reason.

I-864, Affidavit of Support

The purpose of this form is to ensure the government that your relative will not become dependent on government support after entering the United States.

The relative should NOT apply for an immigrant visa until you are ready to move back to the U.S.

Filing Procedures

The Department of State and USCIS developed a mechanism to conduct the criminal background checks for immigration petitions received by consular offices overseas as required by the Adam Walsh Act. Therefore, Overseas consular posts are once again authorized to accept or adjudicate I-130 petitions for your dependents that are residents of Japan.

After completing the necessary paperwork, you must schedule an appointment for an interview at the 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-ivapptrequest.html>

Foreign National Marriage Process

The permission to marry process is separate from the I-130 Petition process. To marry a foreign national while assigned overseas, attend the MPF Marriage Seminar & Pre-marital briefing at the Legal Office. Report your intent to marry a foreign national to your Unit Security Manager. Complete the Marriage Request Memorandum for your Commander's signature. Once you are married, have the documents translated into English, and use these documents to enroll your spouse in DEERS and TRICARE. For more information, visit the Military Personnel Flight.

2. Employment Based

The sponsoring employer in the U.S. must file the petition and demonstrate that there are no workers in the U.S. to perform the work that the applicant has the necessary training and experience to perform.

3. Diversity Based

This is a congressionally mandated annual lottery to provide for a new class of immigrants, known as diversity immigrants. Up to 50,000 visas will be given to people from countries with low immigration rates to the U.S. Applicants are chosen at random. No immigrants will be selected from a country that has sent more than 50,000 immigrants to the U.S. in the last five years.

See the Diversity Lottery Website for more information: <https://travel.state.gov/content/visas/en/immigrate/diversity-visa/instructions.html>

4. Non-Immigrant Visas

Non-immigrant visas are issued to eligible persons wishing to travel to the U.S. temporarily. After 28 February 2007, you should use the new three step application process:

1. Complete the Electronic Application Forms in English
2. Make An Appointment
3. Pay Application Fee by *PayEasy* ATM

The application for non-immigrant visas can be found online at: <http://travel.state.gov/content/visas/english/forms/ds-160-online-nonimmigrant-visa-application.html>

5. Visa Waiver Program

Eligible Japanese citizens may travel to the U.S. for business or pleasure with a valid passport provided they have a return ticket and will not stay for more than 90 days.

