

Practice Areas

BUSINESS

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H-1B

H-1B Transfers

Visas

TN Visas (NAFTA)

Special Visas for Other Countries:

- Australia
- Chile / SingaporeE-1

E-1 Visas

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FAMILY

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Permanent Residence for Family
within U.S.

Naturalization /Citizenship

AMNESTY

Legislation Could Change Immigration Standards for Military Spouses

Posted: December 8th, 2010

A house bill that was passed with broad bipartisan support in November could come up for vote in the Senate before the holidays.

The legislation (HR 6397) is aimed at helping the foreign born widow of a Marine killed in Iraq to immigrate to the U.S. so she can raise his child here. But the legislation would clearly apply to other non-citizen widows of those in military service.

The couple's marriage, which had been accomplished by proxy due to military service issues, was not considered valid under current U.S. immigration law because the couple never lived together after marriage (creating a "consummation" issue).

But they had conceived a child prior to the marriage by proxy ceremony, and that child was born about a month after Marine Sgt. Michael H. Ferschke Jr. was killed in action.

The legislation, named after Sgt. Ferschke, would not eliminate the consummation requirement, but it would permit a narrow exception "in cases where the failure to consummate the marriage is caused by a physical separation due to active-duty military service," according to Rep. John Conyers Jr. of Michigan.

If you are an individual needing assistance with a legal issue regarding immigration on behalf of yourself or a family member, please do not hesitate to contact our office at (847) 564-0712, and feel free to check out the pertinent portion of [our Website](#) for more information.