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K-4 Visa Holder (Child of K-3 Visa as Spouse of US Citizen) Who Was Over 18 When K-3 Parent Married US Citizen Cannot Apply to Adjust to Green Card Status

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The BIA held that a K-4 derivative child of a K-3 nonimmigrant who married the United States citizen K visa petitioner after the K-4 child reached the age of 18 is ineligible for adjustment of status because (s)he cannot qualify as the petitioner's "stepchild." (*Matter of Akram*, 8/1/12)

K-4 visa is a derivative visa of parent's K-3 visa (as the spouse of a United States citizen).

The Board of Immigration Appeals (BIA) is the highest administrative body for interpreting and applying immigration laws. BIA decisions are binding on all U.S. Department of Homeland Security (DHS) officers and immigration judges unless modified or overruled by the Attorney General or a federal court.

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We represent employers, and individuals and their families in green card, citizenship and work visa matters in U.S. immigration law. We also have a focus on green card cases such as extraordinary ability, national interest waiver, PERM, family; work and related visa matters such as H, L, P, O, E, K.

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