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K-4 Visa Holder (Child of K-3 Visa Spouse of US Citizen) Can Only Apply to Adjust to Green Card Status Based on Original K Visa Petitioner

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In *Matter of Valenzuela*, 25 I&N Dec. 867 (BIA 2012), BIA holds that a K-4 visa holder cannot adjust status to U.S. permanent residence status based on her own subsequent marriage to a U.S. citizen, and could only adjust status based on the I-130 filed by the K visa petitioner (parent's original petitioner for K-3 Spouse of US citizen).

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.

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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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