

9 FAM 42.32(d)(2) FOURTH PREFERENCE— SPECIAL IMMIGRANTS—CERTAIN U.S. GOVERNMENT EMPLOYEES

(TL:VISA-331; 11-07-2001)

9 FAM 42.32(d)(2) Related Statutory Provisions

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See INA 101(a)(27)(D), INA 203(b)(4), INA 204(a)(1)(E), Sec. 152 of the Immigration Act of 1990 (Pub. L. 101-649), 6 FAM 111.3-1r, Eligible Family Members:

(1) Children who are unmarried and under 21 years of age or, regardless of age, are incapable of self-support. The term shall include, in addition to natural offspring, stepchildren and adopted children and those under legal guardianship of the employee or the spouse when such children are expected to be under such legal guardianship at least until they reach 21 years of age and when dependent upon and normally residing with the guardian;

(2) Parents (including stepparents and legally adoptive parents) of the employee or of the spouse, when such parents are at least 51 percent dependent on the employee for support (these parents are not authorized medical travel; see 3 FAM 1900 Appendix B – old 3 FAM 686.1

(3) Sisters and brothers (including stepsisters or stepbrothers, or adoptive sisters or brothers) of the employee, or of the spouse, when such sisters and brothers are at least 51 percent dependent on the employee for support, unmarried and under 21 years of age, or regardless of age, are incapable of self-support (these sisters and brothers are not authorized medical travel; (see 3 FAM); and

(4) Spouse.

(1) Children who are unmarried and under 21 years of age or, regardless of age, are incapable of self-support. The term shall include, in addition to natural offspring, stepchildren and adopted children and those under legal guardianship of the employee or the spouse when such children are expected to be under such legal guardianship at least until they reach 21 years of age and when dependent upon and normally residing with the guardian;

(2) Parents (including stepparents and legally adoptive parents) of the employee or spouse, when such parents are at least 51 percent dependent on the employee for support;

(3) Sisters and brothers (including stepsisters or stepbrothers or adoptive sisters or brothers) of the employee, or of the spouse, when such sisters and brothers are at least 51 percent dependent on the employee for support, unmarried and under 21 years of age, or regardless of age, are incapable of self-support; and

(4) Spouse; Government Employees.