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Parent of a Green Card Holder - Options for Them to Stay Long in the US

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Submitted by Chief Editor on Jan 12th 2015

Need your esteemed advice for my mother (75 years old, sick and disabled). We are only two sons and our father passed away last year. We have nobody back in Pakistan who can keep her and look after her. My brother lives in UK. I am living and working in USA (on EB-2 green card). My mother had been refused UK visa twice as she has no sufficient family ties to home country (Pakistan). I received my green card in April 2011 therefore I have some time still remaining to apply for my US Citizenship (January 2016) and then sponsor her.

My mother B-1/B-2 visa is expiring in August 2015 and keeping in view her long frequent trips to US (she always departed before I-94 expiry, no overstays) and insufficient family ties to home country (Pakistan) her B-1/B-2 re-stamping seems very hard.

Can you please advice what can be done here? What are the options to keep her with us in US?

ANSWER:

See clip from Attorney Rajiv S. Khanna's conference call video that addresses this question.

<https://www.youtube.com/watch?v=QvnIAm0nQJ8#t=645>^[2]

FAQ Transcript

This is another very commonly encountered problem. Where somebody's here on an H visa, L visa or Green Card and their parents are in India, Pakistan, UK or somewhere else and the child is the only support for the parents and the parents are not eligible for any visa to come to the US. We had actually on immigration.com in our sample cases (<http://www.immigration.com/sample-cases> ^[3]) there is some mention on cases like this we have done. It doesn't mean that they will always be successful but really the law permits for a tourist visa and then continued extension of a tourist visa. Sometimes the USCIS and the State Department might consider it to be an acceptable reason for a parent to live in USA on

an extended basis. So if your brother has tried to go to the UK and they have not been able to procure a visa to the UK and you are in USA and you being a Green Card holder of course cannot apply for them until you become a US Citizen. I think it would be a good idea to apply for a tourist visa. Make it clear that they want to come and stay here long term as far as the law allows them to.

Once again it will be a good idea to try that. I am not sure if it will work but it is worth trying. Does the law permit a B-1 and B-2 in these circumstances the answer is ?yes?. You can actually disclose to the consulate that your parents are going to USA and intend to stay there as long as the law permits because the son resides in UK.

Green Card:

[Family-Based Green Cards](#) [4]

[Green Card through Parent or Child](#) [5]

Unless the context shows otherwise, all answers here were provided by [Rajiv](#) [6] and were compiled and reported by our editorial team from comments and blog on [immigration.com](#) [7]

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Links:

[1] <https://immigration.com/faq/family-based-green-cards-green-card-through-parent-or-child/parent-a-green-card-holder-options>

[2] <https://www.youtube.com/watch?v=QvnlAm0nQJ8#t=645>

[3] <http://www.immigration.com/sample-cases>

[4] <https://immigration.com/greencard/green-card/family-based-green-cards>

[5] <https://immigration.com/greencard/green-card/family-based-green-cards/green-card-through-parent-or-child>

[6] <http://www.immigration.com/law-offices-rajiv-s-khanna-pc>

[7] <http://www.immigration.com>

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