

Waiting on a family visa decision can feel endless when your spouse, child, or parent is still thousands of miles away, especially for families building their lives in Metro Atlanta. The good news is that many denials, delays, and Requests for Evidence (RFEs) come down to fixable issues such as missing documents, weak financial evidence, or confusion about visa bulletin priority dates—not a permanent “no.”

Based in Midtown Atlanta, [Lunel Law](#) focuses on family-based immigration, green cards, and citizenship and represents immigrants before USCIS, immigration courts, and federal courts. If you live in Atlanta, elsewhere in Georgia, or are sponsoring a family member abroad, understanding the most common family visa issues—and when to involve an experienced [Atlanta immigration lawyer](#)—can help you avoid costly mistakes and protect your family’s timeline.

You can [learn who you can sponsor through family-based immigration](#) on USA.gov before starting your Atlanta case.

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Issue 1: Proving Your Marriage Is “Bona Fide” (Real)

For marriage-based cases, USCIS does not assume your relationship is genuine just because

you have a marriage certificate; officers are trained to look for proof that you are building a real life together, not just a relationship on paper to obtain a green card. While wedding photos and messages help, the strongest evidence usually shows “financial intertwining” and shared responsibility over time.

High-impact evidence you can gather in Atlanta

- Joint bank account statements or credit card accounts that both spouses actually use for day-to-day expenses.
- Lease agreements or property deeds listing both spouses, whether you rent in Midtown, Decatur, Marietta, or another Atlanta-area neighborhood.
- Birth certificates of children born to the marriage.
- Health, life, or auto insurance policies listing the other spouse as a beneficiary or covered family member.
- Utility bills, phone bills, or internet service in both names at the same Atlanta address.
- Affidavits from friends, family, or faith leaders in the Atlanta community describing how they know your relationship.

If you previously filed taxes separately, kept finances completely separate, or spent long periods living in different cities, an officer may have follow-up questions or issue an RFE. In these situations, strategic documentation and a detailed explanation letter, prepared with a [family-based immigration lawyer in Atlanta](#), can make the difference between approval and a denial for suspected marriage fraud.

Issue 2: Meeting the 125% Poverty Guideline for Sponsors

Most family-based green card applicants must be supported by a U.S. sponsor who signs Form I-864, Affidavit of Support, promising that the immigrant will not become a “public charge.” In most cases, that sponsor must show household income of at least 125% of the federal poverty guidelines for their household size, including the immigrant and any dependents.

Official Affidavit of Support ([Form I-864](#)) guidance

The exact dollar amounts change every year when the U.S. Department of State publishes updated poverty guideline charts used for the Affidavit of Support. For example, recent tables show that as household size increases—from two people to five or more—the minimum income threshold rises accordingly, and sponsors may need to rely on assets or a joint sponsor to qualify.

Options when your Atlanta household income is too low

- **Add qualifying assets:** Savings, certain investments, or equity in property can sometimes be used to make up an income shortfall if they can be converted to cash within one year.
- **Use a joint sponsor:** A friend or relative who lives in the U.S. and meets the income requirement can sign a separate I-864 and share legal responsibility for supporting the immigrant.
- **Review household size carefully:** Miscalculating who counts as part of your household is a common mistake that leads to I-864 RFEs and denials.

Because the Affidavit of Support creates a long-term, enforceable obligation that can last until the immigrant becomes a U.S. citizen or earns sufficient work credits, sponsors and joint sponsors should understand their risk before signing. Families in Atlanta often work with [Lunel Law's family-based immigration team](#) to structure their I-864 strategy, especially when income is close to the 125% line or depends on variable self-employment earnings.

Issue 3: Long USCIS Processing Times and Priority Dates

Form I-130, Petition for Alien Relative, is the first step in most family-based immigration cases, and national processing time data show that wait times vary widely by category and service center. Recent analyses indicate that immediate relative petitions (for spouses, parents, and unmarried children under 21 of U.S. citizens) often take around 13-15 months

on average, while certain family-preference categories can involve waits of many years.

Official immigrant visa process overview (Step 1: [Form I-130](#))

Beyond USCIS processing, many Atlanta families are affected by the visa bulletin, which controls when a green card is actually available for family-preference cases. The U.S. Department of State publishes this bulletin monthly and tracks “priority dates,” which are generally the dates USCIS received the underlying I-130 petition and serve as your place in line for a visa number.

How priority dates and the visa bulletin work

- Your **priority date** is usually the I-130 filing date shown on your USCIS receipt notice.
- The visa bulletin lists **cut-off dates**; if your priority date is earlier than the listed date for your category and country, you can move forward with immigrant visa processing or adjustment of status.
- If the chart shows “C” (current), there is no backlog in that category, and all applicants in that category may file regardless of priority date.

For Atlanta-area families whose cases have been stuck for an unusually long time—far beyond published processing times—federal litigation such as a mandamus action can sometimes be used to compel the government to act on the case. Lunel Law specifically assists clients with [cases outside normal USCIS processing times](#), evaluating whether a lawsuit is appropriate to move a stalled petition or application forward.

Issue 4: Section 221(g) “Administrative Processing” After the Visa Interview

Even after a consular interview abroad, a family member may receive a refusal under section 221(g) of the Immigration and Nationality Act instead of an immediate visa approval. A 221(g) refusal usually means the consular officer could not yet conclude the case—either

because documents are missing or additional security or background checks are required—rather than a permanent, final denial.

Common reasons for 221(g) in family cases include missing civil documents, questions about the bona fides of the relationship, or security checks triggered by travel history, employment, or name matches in government databases. The U.S. Department of State explains that the consular officer will typically indicate whether you must submit additional evidence or simply wait while administrative processing is completed.

What Atlanta sponsors and family members can do

- Submit all requested documents or corrections as quickly and completely as possible, following the consulate’s instructions.
- Monitor the online case status and keep copies of all communications.
- Consult an experienced [Atlanta immigration attorney](#) if the case has been in administrative processing for many months with no clear updates or if you are unsure how to respond to a 221(g) notice.

Although 221(g) is technically a refusal, many such cases eventually result in visa issuance once the additional checks or document review are completed. Legal guidance can help ensure that the consulate receives a thorough, well-organized response and that any deeper admissibility issues are identified early.

Issue 5: Denials, RFEs, and When to Hire an Immigration Attorney

Some families successfully file straightforward cases on their own, but certain red flags make it risky to proceed without counsel—especially in complex Atlanta-area cases involving prior immigration violations or criminal history. Examples include previous visa overstays, misrepresentation at the border, prior arrests or convictions, or detailed RFEs questioning whether the marriage is genuine.

Lunel Law is led by [attorney David Lunel](#), a multilingual immigration lawyer admitted in Georgia who regularly handles family-based petitions, immigrant visas, and removal defense

and appears before USCIS, immigration courts, and federal courts. The firm focuses on immigration and nationality law, including family-based immigration, naturalization, asylum, and cases involving delayed or wrongly denied applications.

How Lunel Law supports Atlanta families

- Preparing and reviewing I-130, I-485, DS-260, and related forms to prevent avoidable RFEs and denials.
- Strategizing evidence for marriage-based cases, including couples who married recently or live separately for work or school.
- Advising on Affidavit of Support strategy, joint sponsors, and asset use under the 125% poverty guidelines.
- Pursuing federal litigation or mandamus actions when USCIS or the State Department fails to act within reasonable timeframes.

When evaluating any immigration lawyer, families should avoid anyone who guarantees results, suggests hiding or falsifying information, or will not provide a clear written fee agreement, as no attorney can promise a specific green card outcome, and dishonesty can permanently damage a case.

Quick Overview: Common Family Visa Issues and How Lunel Law Helps

Issue	What it looks like	Risk if mishandled	How Lunel Law supports Atlanta families
Bona fide marriage doubts	USCIS questions whether your marriage is real despite having a marriage certificate.	RFEs, interviews focused on fraud, or denial of the green card based on suspected sham marriage.	Helps you organize joint financial records, leases, insurance, affidavits, and explanations tailored to your Atlanta situation.

Issue	What it looks like	Risk if mishandled	How Lunel Law supports Atlanta families
Sponsorship income below 125% guideline	Sponsor’s tax returns or pay stubs appear too low for the required household size.	I-864 rejection, delays, or denial for failing to meet Affidavit of Support requirements.	Reviews income and assets, advises on joint sponsors, and structures I-864 evidence to meet current federal poverty guidelines.
Long USCIS or consular delays	Case is “pending” for many months or years, far beyond normal processing times.	Family separation continues; evidence can become outdated; sometimes files stall without action.	Evaluates whether your case is outside posted timelines and, when appropriate, pursues service requests or federal court actions to prompt a decision.
Section 221(g) administrative processing	Consulate issues a 221(g) refusal asking for more documents or additional security checks.	Visa remains on hold indefinitely; missing or weak responses can lead to a de facto denial.	Analyzes the 221(g) notice, prepares a thorough response package, and identifies deeper admissibility issues early.
Denials, RFEs, and past violations	Prior overstays, misrepresentation, criminal history, or detailed RFEs targeting your relationship or eligibility.	Permanent bars, difficulty re-filing, or needing complex waivers if not handled carefully.	Provides case-specific strategy, waiver analysis, and representation before USCIS, consulates, and federal courts for Atlanta-area families.

Next Steps for Families in Atlanta

Family immigration is complex, but breaking the process into specific issues—proving a bona fide relationship, meeting financial requirements, tracking priority dates, and responding correctly to delays or 221(g) refusals—can make it manageable. Many obstacles are administrative rather than truly legal, and careful preparation often prevents years of avoidable delay.

If you are in Atlanta or anywhere in Georgia and are ready to sponsor a family member—or if your case has stalled or been denied—consider scheduling an evaluation with [Lunel Law](#) to review your options. The firm assists with [family-based immigration](#), [naturalization](#), and [citizenship](#), and [cases outside of processing times](#) for families across Metro Atlanta and beyond.

Frequently Asked Questions About Family Visas in Atlanta

Who can I sponsor for a family-based green card?

U.S. citizens can generally sponsor a spouse, unmarried children under 21, married or unmarried adult children, parents (if the citizen is at least 21), and siblings. Lawful permanent residents (green card holders) can usually sponsor a spouse and unmarried children.

How do I prove my marriage is real to USCIS?

USCIS expects evidence that your marriage is a genuine relationship and not just for immigration purposes. Joint financial records, leases or mortgages, insurance policies, children's birth certificates, and affidavits from friends and family in the Atlanta area are all powerful proof of a bona fide marriage.

What is Form I-130, and why is it important?

Form I-130, Petition for Alien Relative, is the first step that establishes your qualifying family relationship with the relative you want to sponsor. Without an approved I-130, your family member cannot move forward to consular processing or adjustment of status for a green card.

How long does a family-based petition take in 2026?

Processing times depend on the family category and the USCIS service center, but many I-130 petitions now take roughly 7-15 months or longer. Preference-category relatives may also wait additional years after approval until a visa number becomes available under the visa bulletin.

What is a “priority date,” and how does the visa bulletin affect my case?

Your [priority date](#) is usually the day USCIS receives your I-130 petition, and it controls your place in line for a family-preference green card. Each month, the Department of State’s visa bulletin lists cut-off dates by category and country; when your priority date is earlier than the published date, you can move forward with immigrant visa or adjustment processing.

What does a 221(g) “administrative processing” refusal mean?

A refusal under section 221(g) means the consular officer cannot finish your case yet—often because more documents or security checks are required—not that you are permanently denied. Many 221(g) cases are resolved once applicants submit the requested evidence or the additional screening is complete.

Can my family member stay in the U.S. and apply for a green card, or do they have to leave?

Some family members already in the U.S. may apply for a green card through adjustment of status, while others must complete consular processing abroad. The correct path depends on how they entered the U.S., their immigration history, and whether they qualify as an “immediate relative” or fall into a preference category, so it is smart to get case-specific advice.

What happens if my family visa case is taking much longer than normal?

When a case is far outside normal processing times, families can first submit service requests with USCIS and contact the agency or consulate for updates. In some Atlanta cases, attorneys also consider federal litigation, such as a mandamus lawsuit, to ask a federal court to order the government to take action on an unreasonably delayed application.

Do I have to meet the 125% poverty guideline to sponsor my relative?

Most sponsors must show household income of at least 125% of the federal poverty guidelines on Form I-864, Affidavit of Support. If your income is too low, you may be able to use certain assets or a joint sponsor to meet the requirement.

Can a criminal record or past immigration violation affect a family visa?

Yes. Certain criminal convictions, prior fraud or misrepresentation, and immigration violations can make someone inadmissible and may require a waiver or lead to a denial.

Because these issues are complex and fact-specific, families in Atlanta often consult an experienced immigration attorney before filing.

Do I need an immigration attorney in Atlanta for a family visa case?

Simple cases with strong documentation may be filed without a lawyer, but many families seek legal help when there are prior overstays, arrests, RFEs, 221(g) refusals, or long delays. An experienced [Atlanta immigration attorney](#), such as [David Lunel at Lunel Law](#), can review your strategy, prepare evidence, and take action if your case is stuck outside normal processing times.

How can Lunel Law help my family in Atlanta?

[Lunel Law](#) focuses on immigration and nationality law and assists with family-based petitions, immigrant visas, naturalization, and delayed cases for clients across Metro Atlanta. The firm guides sponsors through proving a bona fide marriage, meeting I-864 income rules, understanding priority dates, and responding to RFEs, 221(g) letters, or stalled applications.