

# FAQ: My Foreign Employee has a Domestic Partner, Can They Come on a Dependent Visa?

**Sample Scenario:** We have an employee (process engineer) being transferred to the U.S. for two years. She is not married but has a 7-year relationship with her domestic partner.

**Corporate HR Client Asked:** Would they need two separate visas or would he qualify as a dependent under her work visa?

**We Answered:** U.S. immigration law does not recognize common-law relationships. Therefore a cohabiting partner (also known as “domestic partner” or “common-law spouse”) is not eligible to apply for dependent visa status.

To travel to the U.S., the partner will need to qualify and apply for a separate visa in their own right.

## Five main options for a Cohabiting Partner to Enter the U.S.

1. ESTA (if applicable)
2. B-2 tourist visa
3. Temporary work visa to work for a U.S. employer
4. F-1 student visa to study in the U.S.
5. K-1 Fiance visa

## Some key considerations for which visa option is best suitable for the partner include:

- Intent once in the U.S. such as: Is the intent to just visit the partner temporarily for a few weeks? to study or work? or to relocate permanently?
- Short and long-term plans for the relationship such as: intent to marry? when?
- Partner’s ties to the home country such as work, assets, home, family, and others

It is tricky for unmarried partners to make these decisions on their own. Several other factors come into play such as timing, nationality of the partner, processing times, and more.

We provide guidance on this process. Contact us if you need help.

**\*This material is not intended to substitute as legal advice.**

**Last updated: July 2022**