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Marriage & Family Based Green Card

→ **Who can file for a green card in the US if they entered the US legally on a visa (other than C-1 or D-visa)? (Immediate Relatives)**

- A) Spouse of US Citizen (IR1)
- B) Unmarried Child (under 21) of US Citizen (IR2)
- C) Parent of US Citizen who is 21 or older (IR5)

→ **When do you file?**

If you entered the US with a nonimmigrant visa and applied to adjust your status for a green card that of an immediate relative, under the "90-Day Rule" there is a presumption of fraud that you made a willful misrepresentation at the time of admission or when you filed your application for that nonimmigrant visa, because within the 90-days of your nonimmigrant visa you engaged in conduct inconsistent with that nonimmigrant status. So... to avoid trouble, wait 91-days from your last entry to file.

→ **Can I travel outside the US while my case is pending?**

No. When you have an adjustment application pending before the USCIS, you are not granted a temporary status, rather you do not have any status, therefore you should not travel until you receive your Travel Permit/Advance Parole Document.

→ **What is filed?**

- 1- Attorney Representation
- 2- Government Fee
- 3- Adjustment Application
- 4- Family Petition Application
- 5- Travel Document Application
- 6- Work Authorization Application
- 7- Sponsor Application
- 8- Supporting documents and pictures

→ **If my sponsor does not meet the financial limit, can I have a joint-sponsor?**

Yes, this is very common.

→ **What is the process?**

- 1- File all applications with USCIS
- 2- Receive receipt from USCIS 2-3 weeks from filing
- 3- Receive biometrics appointment from USCIS 3-4 weeks from filing
- 4- Receive Employment Authorization and Travel Permit from USCIS 3-4 months from filing
- 5- Go to Social Security Office to apply for a Social Security Number
- 6- Go to Secretary of State to apply for a Driver's License
- 7- Start collecting proof of Bonafide Marriage for your interview (if marriage-based)
- 8- Wait for your green card if not marriage-based, otherwise wait for an interview date. If you are married for less than 2 years on the day of approval, you will receive a "Conditional LPR", known as CR-1. If so, you must file to Remove Conditions on the Conditional LPR within 90-days BEFORE your card expires in 2-years.

→ **Are derivative children (under 21) automatically included in the applications?**

No, each child will need a separate package as the "derivative" applicant and must be included when filing the "principal" applicant's package.

Notice: This document shall not be construed as legal advice. This is only general information to commonly asked questions.