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Marriage & Family Based Green Card

→ Who can file for a green card while in the U.S. if they entered with a nonimmigrant visa?

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

→ When do you file?

If you entered the U.S. with a nonimmigrant visa and applied to adjust your status for a green card, that of an immediate relative, 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 if you file too early, because it may be viewed as you engaged in conduct inconsistent with that nonimmigrant status.

→ Can I travel outside the U.S. 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- Attorney files all applications and supporting evidence with USCIS
- 2- Receive receipt from USCIS 2-3 weeks from filing date
- 3- Receive biometrics appointment (fingerprints) from USCIS 3-4 weeks from filing date
- 4- Receive Employment Authorization and Travel Permit from USCIS 3-4 months from filing date
- 5- Go to Social Security Office to apply for a Social Security Number (if one wasn't requested with your applications)
- 6- Go to Secretary of State to apply for a Driver's License
- 7- If filing based on marriage to U.S. Citizen, start collecting proof of Bonafide Marriage for your interview
- 8- Other than marriage-based, wait for your green card in the mail. Marriage-based applicants would 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.