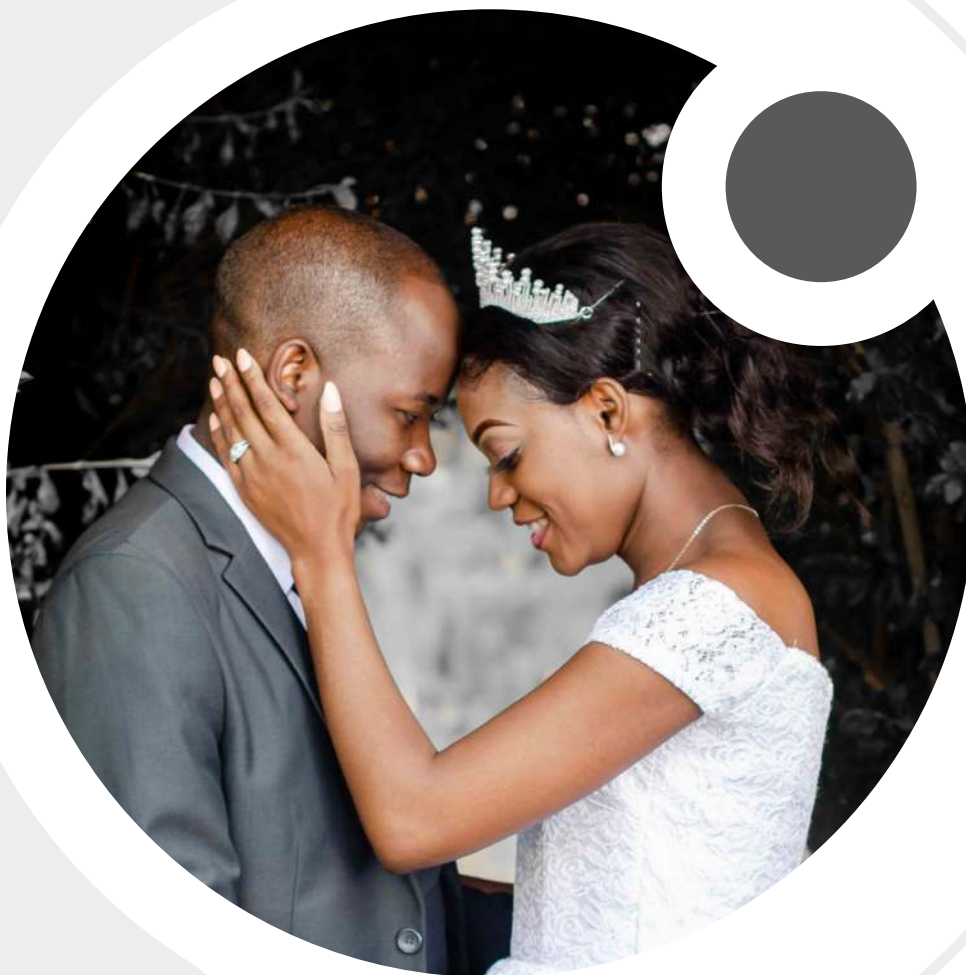


Immigrant's Guide to a Marriage Green Card through Adjustment of Status



THE GILLMAN IMMIGRATION LAW FIRM



What is Adjustment of Status?

Adjustment of Status (AOS) is the process that you use to apply for a green card while you're present in the United States. When you adjust your status, you don't need to go to your home country to complete the permanent residence application process.

You'll be allowed to remain in the United States until the U.S. Citizenship and Immigration Services (USCIS) completes its processing of your application. Typically, you need to have a valid visa to be able to adjust your status.



To qualify

Generally, you qualify if:

1. You have a lawful marriage (from any country) to the U.S. citizen or green card holder petitioner;
2. An immigrant visa is immediately available (always available for the spouse of a U.S. citizen); and
3. You had lawful entry to the U.S.

Did you know? Immediate relatives of U.S. citizens can file their Adjustment of Status application concurrently with Form I-130, Petition for Alien Relative because a visa is always available for them.



Filing Concurrently

USCIS allows the concurrent filing for:

- ❑ Immediate relatives of U.S. citizens living in the United States;
- ❑ Most employment-based applicants and their eligible family members when a visa number is immediately available;
- ❑ Special Immigrant Juveniles if an EB-4 visa number is immediately available and USCIS has jurisdiction over the application to Adjust Status;
- ❑ Self-petitioning battered spouse or child if:
 - » The abusive spouse or parent is a U.S. citizen; or
 - » If an immigrant visa number is immediately available;
- ❑ Certain members of the armed forces applying for a special immigrant visa under Section 101(a)(27)(K) of the Immigration and Nationality Act (INA); and
- ❑ Special Immigrant International Organization Employees or family members.

A concurrent filing allows the intending immigrant to also apply for a work permit and travel document at the same time. With the approval of the two, the immigrant can work in the country and travel outside the United States while the I-485 is still pending.

The documents

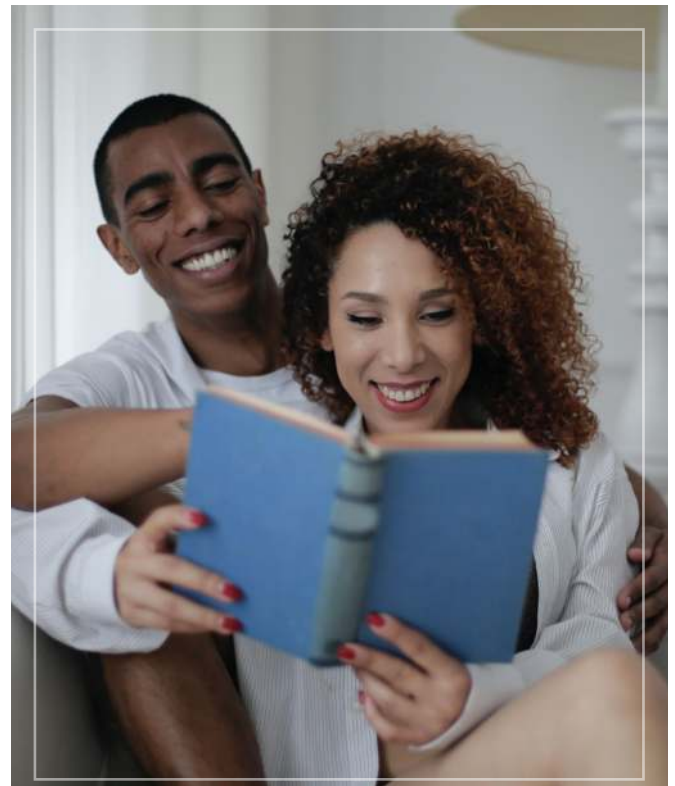
USC/LPR Petitioner Documents


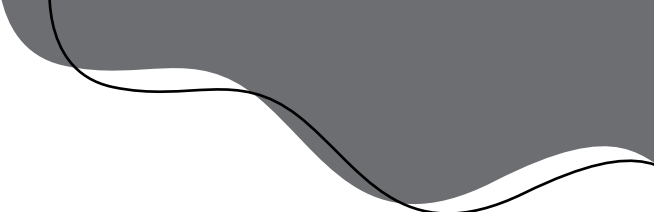
Proof of Status

- ❑ Birth certificate; or
- ❑ UNEXPIRED U.S passport; or
- ❑ U.S. naturalization certificate; or
- ❑ The “Permanent Resident Card” or green card that lists their A-number.

Others

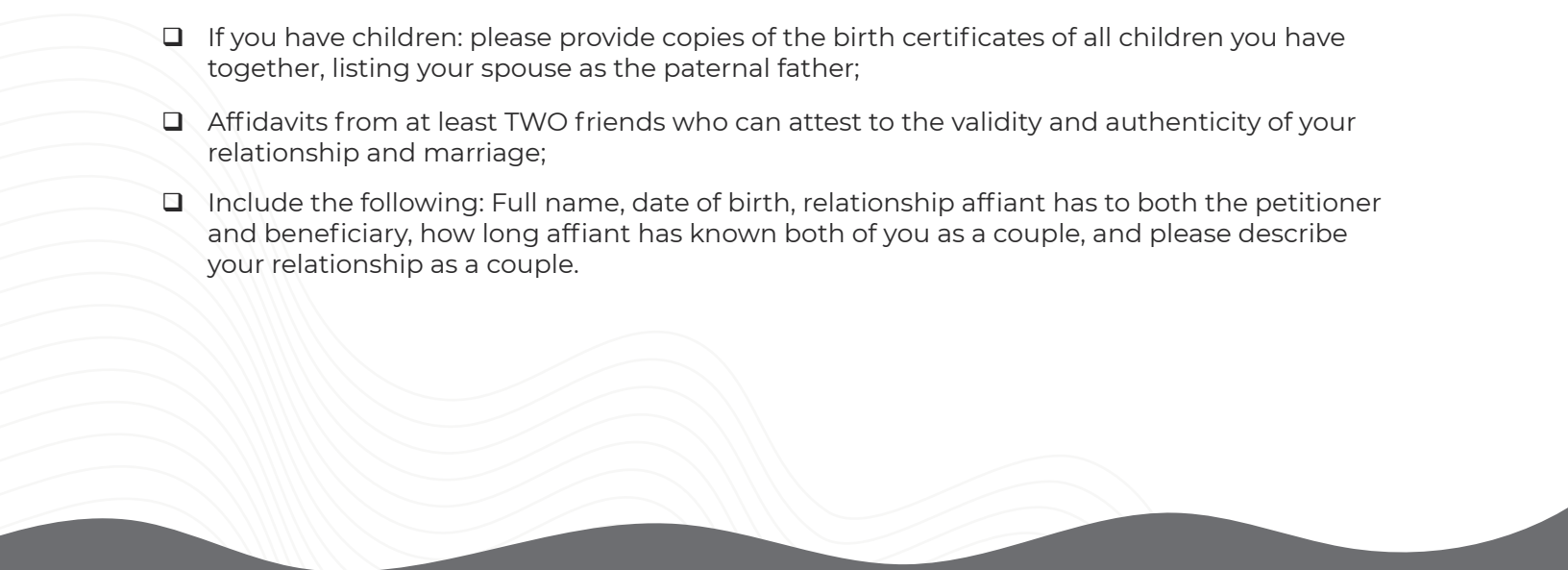
- ❑ Birth certificate of the beneficiary;
- ❑ Copy of certified marriage certificate;
- ❑ Proof of termination of ALL prior marriages (divorce decree or death certificate);



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- Copy of federal tax returns and W-2s for the past year only;
 - Pay stubs for the past six (6) months for the USC/LPR petitioner;
 - Letter from USC/LPR Petitioner's employer stating job title, duration of employment, and annual salary;
 - 2 Passport photos for USC petitioner.

Good faith marriage evidence

Provide as much evidence from this list as possible. You don't have to have everything, but try to get as much as you can.

- All bills that are in both of your names;
 - Joint lease/ homeownership documents;
 - Joint bank accounts- savings and/or checking;
 - Joint federal tax returns;
 - Joint insurance — health insurance, car insurance, life insurance. Any evidence that you are policyholders on the same insurance;
 - Wedding Pictures alone and with family;
 - Pictures with friends and family;
 - Wedding and engagement cards from family;
 - Letters/emails/text messages to each other;
 - Pictures of trips taken together;
 - Any social media activity showing you two as a couple;
 - Cards sent to each other for birthdays, anniversaries, etc.;
 - If you have children: please provide copies of the birth certificates of all children you have together, listing your spouse as the paternal father;
 - Affidavits from at least TWO friends who can attest to the validity and authenticity of your relationship and marriage;
 - Include the following: Full name, date of birth, relationship affiant has to both the petitioner and beneficiary, how long affiant has known both of you as a couple, and please describe your relationship as a couple.
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Foreign Beneficiary Documents

- ❑ Copy of beneficiary's passport biographical page;
- ❑ Copy of I-94 card/ number;
- ❑ Copy of current nonimmigrant visa;
- ❑ Copy of I-797 approval notice for all previous nonimmigrant status;
- ❑ Copy of I-20 (if applicable);
- ❑ Form I-693, Medical Report (USCIS Doctor completes this. Visit www.uscis.gov to find a USCIS-certified surgeon to complete this request.)
- ❑ 6 passport photos for the beneficiary (2 for Green Card and 2 for a work permit, 2 for Advance Parole).

Please make sure ANY and ALL foreign documents are accompanied by a certified translation. The original AND translated copies must be submitted.

The process/timeline

- ❑ **File I-130 standalone or concurrently with I-485 aka One-Adjustment**

First, your green card sponsor will file a Form I-130 petition. Some people can file I-485 concurrently with the petition.

You'll use Form I-130 to prove that you and your U.S. citizen or green card holder sponsor are family members and have a relationship on which you can base your application. Form I-485 is the official application for an adjustment of status.

You can only file it if you have a visa number available to you. You can check the U.S. Department of State's visa bulletin for more information about visa availability.

Additionally, if you'd like to work in the United States while you wait for your green card, you'll have to file Form I-765 together with Form I-485 to get work authorization. Similarly, if you'd like to travel abroad while waiting for your green card, you'll file Form I-131 with your Form I-485 so that you can get an Advance Parole travel document for your trip.

For each of these forms, there are required supporting documents to send in with your application.



Attend Biometrics Appointment.

Sometime after you submit your application forms, USCIS will arrange a biometrics appointment for you to attend. You will have your biometric information like your photo, fingerprints, and signature taken for a criminal background check that USCIS will run in the FBI's database.

Attend a Green Card Interview.

Next, USCIS may or may not invite you to attend a green card interview at a local USCIS office. USCIS will decide based on the information they have of you from your application and the result of their criminal background check. At the green card interview, the USCIS officer will ask questions related to your application and the answers and supporting documents you submitted.

USCIS Approves or Denies Green Card Application.

USCIS will send you a decision on your green card application shortly after your green card interview. They may either approve or deny your application. If they approve your application, you'll get your physical green card document in the mail shortly after. For people who adjusted their status from a fiancé visa to a marriage green card, you may receive a conditional green card that you'll have to renew when it expires in two years.

The form fees

The following are the forms involved in the adjustment of status process and the corresponding USCIS filing fees. These fees do not include the civil surgeon fees for the medical examination and vaccination record.

- Form I-130 , Petition for Alien Relative = \$535
- Form I-485, Application to Register Permanent Residence or Adjust Status = \$1225 (1140 filing fee + \$85 for Biometrics)
- Form I-765, Application for Employment Authorization = \$0 (if you've already paid the filing fee for Form I-485; otherwise, \$410)
- Form I-131, Application for Travel Document = \$0 (if you've paid the filing fee for Form I-485; otherwise, \$105–\$575)
- Form I-864, Affidavit of Support Under Section 213A of the INA = \$0

Total \$1,760

Useful USCIS resources

- ❑ Check case status via <https://egov.uscis.gov/casestatus/landing.do>
 - » You will need your receipt number indicated on the action notices you receive from USCIS.
 - » Receipt numbers have 3 letters and 10 numbers (e.g. XXX00000000000).
- ❑ Check estimated processing times via <https://egov.uscis.gov/processing-times/>
 - » Choose from the drop-down menu the service center handling your case.
 - » You can find this information on action notices you receive from USCIS.
- ❑ Set up appointments with USCIS via <https://my.uscis.gov/en/appointment/v2>
- ❑ Find an authorized doctor for medical exams via <https://my.uscis.gov/findadoctor>
- ❑ File a change of address notice via <https://egov.uscis.gov/coa/displayCOAInitForm.do>



What to expect when you hire The Gillman Immigration Law Firm

4-8
Weeks



Petition Preparation

- Engagement meeting with The Gillman Immigration Law Firm
 - » At the signing of a retainer, you will meet your case manager who will conduct your onboarding meeting. This is a vital stage in our process as it will set your expectations on how your process will go.
- Filling up the forms
 - » Our amazing team of legal assistants will begin working on your case and will assist you in completing the forms. We will make sure the necessary fields are properly filled up.
 - » At this stage, we will begin compiling affidavits from family and friends that will help support your petition as proof of bona fide marriage.
- Preparing and compiling the necessary documents/evidence
 - » We will guide you in which documents/evidence to submit. We usually ask for 3 types of documents:
 - Proof of Petitioner's Identity and Proof of Citizenship;
 - Proof of Beneficiary's Identity; and
 - Evidence of Bona Fide Marriage.

14-21
Days



Petition Review



Application Submission

☐ Attorney Review

- » The Gillman Immigration Law Firm requires 14 business days from the date we received your last, complete, and accurate document/evidence to properly review the entire case and prepare it for submission. We must review all the documents thoroughly and carefully in order to submit an application that would likely yield a successful outcome. We can't rush without diligently reviewing your case.

☐ Client Review

- » After we have completed your application, we will send the complete packet to you for review. This is when you will check the forms and declarations to ensure the information is correct and accurate.
- » Once your review is complete, we will apply final revisions according to your instructions.
- » No revisions? We will prepare the application for submission!

- ☐ We will mail the complete application with all the attachments through our trusted couriers: USPS and FedEx.

- ☐ After submission, we will send you the tracking number as well as a copy of the filed packet for your records.

4-6
Weeks



USCIS Notice of Action

- ❑ USCIS will issue a notice acknowledging the receipt of your application. This receipt notice will indicate your receipt number. You can use this receipt number to check the status of your case online at <https://egov.uscis.gov/casestatus/mycasestatus.do>.
- ❑ USCIS will begin processing your application. We will send you periodic updates regarding the status of your case.
- ❑ USCIS processes cases in the order they are received, subjecting all applications to published processing times. To get the processing times for your case, you may go to <https://egov.uscis.gov/processing-times/>.
- ❑ We are only allowed to contact USCIS to follow up on your case if your applications fall out of processing times. For urgent matters, you will have the option to request for expedited processing . Rest assured that The Gillman Immigration Law Firm will be on top of your case and will diligently follow up when necessary until you receive an outcome.

8-12
Weeks



Biometrics

- ❑ You will receive a notice for the biometrics appointment date from USCIS.
- ❑ Once biometrics are taken, USCIS will continue processing your case.



Request for Evidence/Notice of Intent to Deny

9-12
Months



I-130 Approval

- ❑ A Request for Evidence (RFE) is an additional request for evidence required by USCIS after reviewing your application and making the determination that additional evidence is necessary to make a decision on your case. This requires additional time for our firm to review the notice, analyze it and devise a strategy on how to respond. In addition, it requires additional time for us to collaborate and work with you in gathering these documents and reviewing them before we submit them. RFEs are time-sensitive. The faster you get the documents to us, the faster we can prepare the response.
- ❑ A Notice of Intent to Deny (NOID) is a clear intent by USCIS to deny your case because they have determined that there is evidence in your file that warrants a denial. Sometimes they have it wrong and we have to spend additional time conducting legal research and analysis. A response to a NOID typically requires a legal brief which requires additional time for the attorney to review the notice for legal sufficiency, analyze it and devise a strategy to respond.
- ❑ You will receive an approval notice for your petition in around 9 to 12 months . At the 12th month mark, should we still not have approval, The Gillman Immigration Law Firm will begin aggressively following up on your case.

6-9
Months



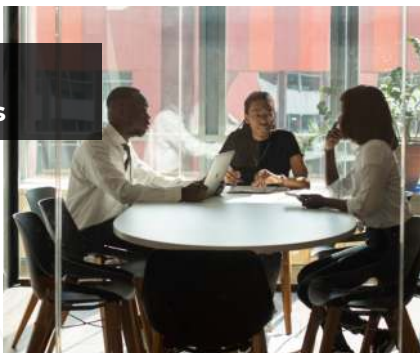
I-765 and I-131 Approval

9-12
Months



Adjustment of Status Interview

6-12
Weeks



Decision


- ❑ Our Marriage Green Card package usually includes an application for a work permit and travel document. With the approval of these two, you will be able to work with authorization and also reenter the United States should you travel.

- ❑ With the approval of your petition, USCIS should send a notice for your Adjustment of Status interview.
- ❑ As part of our representation, we will prepare you for the said interview and also represent you telephonically during the interview.

- ❑ You will receive either an approval or a denial of your applications.
 - » Approved
 - You will receive your green card in roughly 4 – 12 weeks.
 - » Denied
 - Some denials can be appealed. An appeal is a request to a different authority to review an unfavorable

[†]Expedite Request - You may ask USCIS to expedite the adjudication of a benefit request (such as an application or petition) for an immigration benefit. USCIS:

- ❑ Considers all expedite requests on a case-by-case basis;
- ❑ May require additional documentation to support a request; and
- ❑ Has the sole discretion to decide whether to accommodate a request.



decision. You may appeal certain USCIS decisions to the USCIS Administrative Appeals Office (AAO) or the Board of Immigration Appeals (BIA), an office within the Department of Justice. The BIA and the AAO are administrative appellate entities that have jurisdiction over different types of immigration cases. Your denial or revocation notice will provide information about whether the decision may be appealed and where to file your appeal.

- A motion is a request to the USCIS office that issued the unfavorable decision to review its decision. With certain exceptions, you may file a motion to reopen or a motion to reconsider if you received an unfavorable decision in your case. You may file a motion even if your case is not eligible for an appeal.

Processing Times

USCIS generally processes cases in the order they receive them. This processing time is based on how long it took them to complete 80% of adjudicated cases over the past six months. Each case is unique, and some cases may take longer than others. Processing times should be used as a reference point, not an absolute measure of how long your case will take to be completed.

If USCIS passes its processing times, we will conduct a congressional inquiry with your State Senator to help us expedite the processing of your applications. We would also make an E-Request with USCIS.

These processing times change. You can always check the current processing times for your case at <https://egov.uscis.gov/processing-times/>



Check Case Processing Times

Select your form, form category, and the office that is processing your case

Refer to your receipt notice to find your form, category, and office. For more information about case processing times and reading your receipt notice, visit the [More Information About Case Processing Times](#) page.

Form *

Form Category *

Field Office or Service Center *

Get processing time

Checking Your Case Status

- Once you receive your Receipt Notices, you can check the status of your case at <https://egov.uscis.gov/casestatus/landing.do>. No login is required.

You can get your Receipt Number located at the header of your Receipt Notice.

Department of Homeland Security U.S. Citizenship and Immigration Services		Form I-797C, Notice of Action	
THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.			
NOTICE TYPE Receipt		NOTICE DATE December 19, 2022	
CASE TYPE I-130, Petition for Alien Relative		USCIS ALIEN NUMBER	
RECEIPT NUMBER IOE	RECEIVED DATE December 15, 2022	PAGE 1 of 1	
PRIORITY DATE December 15, 2022	PREFERENCE CLASSIFICATION 201 B INA SPOUSE OF USC	DATE OF BIRTH	
C/O NKECHI J. GILLMAN THE GILLMAN IMMIGRATION LA 15322 GALAXIE AVENUE STE 212 APPLE VALLEY, MN 55124		PAYMENT INFORMATION: Application/Petition Fee: \$535.00 Total Amount Received: \$535.00 Total Balance Due: \$0.00	
APPLICANT/PETITIONER NAME AND MAILING ADDRESS			
We have received your form and are currently processing the above case for the following beneficiaries:			



We Uplift.
We Empower.
We Liberate.

