



## GREEN CARD THROUGH ADJUSTMENT OF STATUS

*The information in this document is not legal advice. It provides a general overview of the adjustment of status process for some immediate relatives (Beneficiaries) of US citizens (Petitioners). Please contact the Fort Gregg-Adams Legal Assistance Office if you have any questions or for a referral to private immigration specialist: 804-765-1500.*

### General Information:

- When the immediate relative of a US citizen is physically present in the US, they may be eligible to adjust their status through an I-485, which can be filed after an I-130 is approved, or concurrently with the I-130. Generally, the guidance below is for concurrent filing.
- All foreign language documents, including birth certificates, marriage certificates, and divorce decrees must be accompanied by a certified English translation. Contact Military OneSource for translation assistance: <https://www.militaryonesource.mil/benefits/language-services/>.
- If any of the information in this document is unclear, please refer to the instructions for each individual form, which can be found on the links below.
- You can pay filing fees with a money order, personal check, cashier's check, or by completing a G-1450, Authorization for Credit Card Transactions, <https://www.uscis.gov/g-1450>.

### Requirements for Adjustment of Status:

- Physically present in US, entered with inspection, and not subject to a bar to adjustment

### Who can Adjust their Status:

- Immediate relatives of US Citizens—spouses, unmarried children under 21, and parents if US citizen is 21 or older

### Required Forms and Evidence (generally):

1. **I-485, Application to Register Permanent Residence or Adjust Status**, <https://www.uscis.gov/i-485>. This petition is in the family member Beneficiary's voice. The filing fee: **\$1,440**. Required evidence includes:
  - Sealed I-693, Immigration Medical Exam (<https://www.uscis.gov/i-693>).
  - Two identical color passport photos, measuring 2" by 2"
  - Government-issued photo ID—driver's license, passport ID page, military ID
  - Copy of birth certificate and certified English translation, if applicable
  - Evidence of inspection and parole—passport with admission stamp, passport with nonimmigrant visa, or Form I-94 (<https://i94.cbp.dhs.gov/home>)
  - Proof of your immigrant category—visa or any document showing how you entered the US
  - Copy of marriage certificate
  - Certified police and court records for criminal charges, arrests, or convictions, if applicable

- **Note:** If you have an approved I-130, submit a copy of it and the I-797, Notice of Action.
2. **I-130, Petition for Alien Relative**, <https://www.uscis.gov/i-130>. This petition is in the US citizen Petitioner's voice. File the I-130 with the I-485 if you don't already have an approved I-130. Filing fee: **\$625** for online filing and **\$675** for paper filing. Required evidence includes:
- **All Cases:**
    - Form I-94 Arrival/Departure Record, <https://i94.cbp.dhs.gov/home>
    - Petitioner's proof of US citizenship—birth certificate, copy of naturalization certificate, copy of unexpired US passport
    - Proof of immediate family relationship
  - **Beneficiary is a Spouse of a US Citizen:**
    - Copy of marriage certificate and certified English translation
    - If either person previously married, copy of divorce decree and certified English translation
    - Two identical color passport photos, measuring 2" by 2" taken within 30 days of filing the petition of both Petitioner and Beneficiary
    - Proof of joint ownership of property—car title, house deed, mortgage
    - Proof you live in the same home—bills going to same address, lease in both names
    - Birth certificates of any shared children and certified English translation
    - Affidavits by third parties having personal knowledge of your relationship
    - Any other evidence the marriage is legitimate—pictures, life insurance beneficiary designations, joint bank accounts, joint utility bills, DEERS enrollment, accompanied orders
    - **Note:** If you've been married less than two years, the beneficiary's residency will be conditional; you will have to file an I-751, Petition to Remove Conditions on Residence, <https://www.uscis.gov/i-751>, 90 days before conditional permanent residence status expires.
  - **Beneficiary is Unmarried Child Under 21 of a US Citizen Mother:**
    - Copy of Beneficiary's birth certificate, listing both mother and child
  - **Beneficiary is Unmarried Child Under 21 of US Citizen Father:**
    - If the Beneficiary was born **during marriage** to the mother, copy of the Beneficiary's birth certificate showing both parents' names, copy of the marriage certificate to the mother, and divorce decree if divorced from mother

- If the Beneficiary was born when his/her **parents were not married to each other**, proof the Beneficiary was legitimized before his or her 18<sup>th</sup> birthday
- **Beneficiary is Mother of a US Citizen**
    - Copy of Beneficiary's birth certificate
  - **Beneficiary is the Father of a US Citizen**
    - Petitioner's birth certificate showing father's name
    - Parents' marriage certificate
    - Divorce decree if parents are divorced from each other or were previously married to other people and divorced prior to marrying the other parent
3. **I-131A, Supplemental Information for Spouse Beneficiary**, <https://www.uscis.gov/i-130>. This form is only required when the Beneficiary is the spouse of a US citizen and must be submitted with the I-130. It is in the Beneficiary spouse's voice. Filing fee: \$0.
  4. **I-765, Application for Employment Authorization**, <https://www.uscis.gov/i-765>. Allows Beneficiary to work. Filing fee when filed with I-485: **\$260**. Evidence includes:
    - Form I-94 Arrival/Departure Record, <https://i94.cbp.dhs.gov/home>
    - Copy of last Employment Authorization Document (EAD), if applicable
    - If no EAD, a copy of photo ID, including a passport or visa
    - Two identical color passport photos, measuring 2" by 2" taken within 30 days of filing the petition of the Beneficiary
  5. **I-864, Affidavit of Support Under Section 213A of the INA**, <https://www.uscis.gov/i-864>. If there is only one Beneficiary and he/she is the spouse of a US citizen, file **I-864EZ, Affidavit of Support Under Section 213A of the INA**, <https://www.uscis.gov/i-864ez> instead. Both forms are in the voice of the US citizen Petitioner, who is promising to be financially responsible for the Beneficiary for 10 years or until he/she becomes a US citizen. Filing fee: **\$0**. Required evidence includes:
    - Tax transcripts for the last three years, <https://www.irs.gov/individuals/get-transcript>
    - Or, a photocopy of the last three tax returns, along with all of your W-2s for those years
  6. **I-131, Application for Travel Documents, Parole Documents, and Arrival/Departure Records**, <https://www.uscis.gov/i-131>. In **limited** cases, a Beneficiary may file I-131 if he/she needs to travel outside the US while their petitions are pending. Please consult with our office or a private attorney to determine if this is appropriate in your case. Filing fee: **\$0**.