

Introduction

You and your spouse wish to start a life together in the United States. The process of obtaining a green card through marriage can be complicated and intimidating, but with the proper information and resources, it can also be smooth and successful. This guide is intended to provide you with all the information you need to obtain a green card through marriage, including eligibility requirements, filing procedures, and potential obstacles. At Sadri Law, PC, we recognize that every couple's circumstances are unique. For this reason, we have compiled a comprehensive guide covering all aspects of the marriage green card application process, so you can easily locate the information pertinent to your specific situation. We are committed to assisting you and your spouse in navigating the US immigration system. Our years of experience have enabled us to assist couples from a variety of backgrounds. Our team at Sadri Law, PC, believes that all couples should have access to the necessary information and resources to navigate the US immigration system successfully. We hope that this guide has provided you with a thorough understanding of the process for obtaining a green card through marriage and inspired you to take this exciting next step in your lives.

Chapter 1: Understanding the Marriage Green Card

You may be eligible to apply for a marriage green card, also known as a spouse visa, if you are a non-US citizen who is married to a US citizen or lawful permanent resident (LPR). This permits you to live and work in the United States permanently, provided you meet certain requirements and submit the proper application.

1.1. What is a marriage green card?

Green cards are legal documents that confer permanent resident status on the spouse of a U.S. citizen, or LPR. It permits the spouse to live and work permanently in the United States, to travel freely outside the country, and to apply for citizenship after satisfying certain requirements.

1.2. The Benefits of a Marriage Green Card

Permanent resident status, which allows you to live and work in the U.S. indefinitely, is one of the most significant advantages of a marriage green card. You can also apply for a Social Security number, a driver's license, and other benefits available to residents of the United States. If you have a green card based on your marriage, you can travel freely outside the United States and return without fear of being denied readmission. You can also sponsor family members for immigration to the United States, and after satisfying certain requirements, you can apply for citizenship and enjoy all the rights and privileges of a US citizen.

1.3. Eligibility Criteria for a Marriage Green Card

To be eligible for a marriage green card, you must meet the following criteria:

You must be married to a US citizen or LPR.

Your marriage must be legally recognized in the country where it took place and in the US.

You must be admissible to the US, which means you cannot have a criminal record or certain medical conditions that would make you ineligible for entry.

You must have a US citizen or LPR spouse who is willing to sponsor you and provide evidence of financial support.

You must be able to provide evidence that your marriage is bona fide, meaning it is a genuine and legitimate marriage and not simply for the purpose of obtaining immigration benefits.

Green cards are legal documents that confer permanent resident status on the spouse of a U.S. citizen, or LPR. To qualify for a marriage green card, you must be married to a US citizen or LPR, have a legally recognized marriage, be admissible to the United States, have a sponsoring spouse, and prove that your marriage is genuine. Understanding these requirements is the first step in obtaining a green card through marriage.

Chapter 2: Preparing for the Application Process

The process of obtaining a green card through marriage can be complicated and time-consuming. Preparation is one of the most important factors in ensuring a smooth and successful application. This chapter will discuss the essentials of preparing for the application process, including the required documents and evidence, translations and certifications, timing and deadlines, as well as common pitfalls to avoid.

2.1. Required Documents and Evidence

The application process for a green card based on marriage requires extensive evidence of eligibility. Among the essential documents and evidence you must submit with your application are:

Form I-130 Petition for Alien Relative

Form I-485: Application to Register Permanent Residence or Adjust Status

Proof of your spouse's US citizenship or LPR status

Marriage certificate or proof of a legally recognized marriage

Evidence of financial support, such as tax returns or pay stubs

Criminal background checks

Medical examination results

Obtaining translations and certifications

The supporting documents for your marriage green card application must all be in English or include certified translations. You must also provide original or certified copies of your documents. It is essential to begin the process of obtaining translations and certifications well in advance to ensure that you have all of the required documentation when it comes time to submit your application.

2.2. Timing and Deadlines

Timing is essential when applying for a green card through marriage. It is vital to submit your application as soon as possible to avoid any delays or potential complications. The processing time for a green card application based on a marriage can vary depending on your location, the USCIS workload, and the completeness of your application. Additionally, you should be aware of any deadlines that may apply to your particular situation, such as expiration dates on documents and time limits for submitting evidence.

2.3. Common Pitfalls and How to Avoid Them

Applicants applying for a green card on the basis of their marriage may encounter a number of common pitfalls. Incomplete or inaccurate submissions, missed deadlines, and failure to respond

to requests for additional evidence are among the most common problems. To avoid these pitfalls, it is essential to thoroughly review all instructions and requirements for your application, double-check all forms and documents for accuracy and completeness, and promptly respond to USCIS requests. In addition, hiring an experienced immigration attorney can assist you in avoiding common errors and ensuring that your application is as strong as possible. Gathering and submitting extensive documentation, obtaining translations and certifications, understanding timing and deadlines, and avoiding common pitfalls are required to prepare for the marriage green card application process. You can improve your chances of submitting a successful application and obtaining permanent resident status in the United States if you follow these steps and seek professional advice when necessary.

Chapter 3: Filing the Application

It's time to submit your marriage green card application to United States Citizenship and Immigration Services (USCIS) once you've gathered all the necessary evidence and documentation. It is essential that you adhere to the correct procedures and guidelines to ensure that your application is accepted and processed efficiently, as this can be a complex and time-consuming process.

3.1. Forms and Fees

The first step in submitting a green card application based on marriage is to submit the required forms and fees. Form I-130, Petition for Alien Relative, is the primary form you will need to complete. It is used to establish your relationship with your US citizen or LPR spouse. Form I-485, Application to Register Permanent Residence or Adjust Status, must also be submitted in order to apply for permanent resident status based on your marriage to a US citizen or LPR. Depending on your specific circumstances, you may be required to submit additional forms and pay additional fees, such as if you have been in the United States illegally in the past or if you have a criminal record.

3.2. Supporting Documentation

In addition to the required forms and fees, you must submit supporting documentation to demonstrate your eligibility for a green card based on marriage. This documentation might consist of:

- Proof of your spouse's US citizenship or LPR status
- Marriage certificate
- Birth certificates for you and your spouse
- Passport-style photos
- Proof of financial support, such as tax returns and employment letters
- Police clearance certificates
- Medical examination records

It is essential to carefully review the USCIS instructions for your specific situation to ensure that your application contains all the required documentation.

3.3. How to Handle Requests for Evidence (RFEs)

The USCIS may request additional documentation or evidence to support your eligibility for a marriage green card after you submit your application. This is known as a request for evidence.

(RFE), and a prompt and accurate response is essential. If you receive an RFE, carefully review the request and quickly collect the requested documentation. Consult an experienced immigration attorney to assist you in preparing your response and ensuring that you include all required information.

Once you have gathered the required documentation, submit it to the USCIS as instructed and continue to track its status. With proper planning and attention to detail, you can successfully navigate the application process and obtain your green card through marriage.

Chapter 4: Interview and Approval

Congratulations! You have successfully completed the application for a green card based on marriage. The final step is the interview, during which a US Citizenship and Immigration Services (USCIS) officer will meet with you and your spouse to determine the validity of your marriage and your eligibility for a green card.

4.1. What to Expect During the Interview

The interview typically lasts 30 minutes and takes place at a USCIS office. You and your spouse will be questioned regarding your relationship and eligibility for a green card based on marriage. The USCIS officer will want to see evidence of a bona fide marriage, which is a real, ongoing relationship and not merely a means to obtain immigration benefits. The officer may also inquire about your personal history, such as your place of birth, education, and employment history. They may also inquire about your future in the United States.

4.2. How to Prepare for the Interview

It is important to prepare for the interview to ensure that it goes smoothly. Here are some tips:

Review your application. Be familiar with all the information that you provided in your application, including the supporting documents.

Practice answering questions with your spouse to make sure you are on the same page and can give consistent answers.

Bring additional evidence: Bring any additional evidence that you have to support your marriage, such as photographs, joint bank account statements, and proof of joint ownership of property.

Dress appropriately for the interview, as if you were going to a job interview.

4.3. Approval and Next Steps

If the USCIS officer determines that your marriage is genuine and you meet all eligibility requirements for a green card based on your marriage, you will receive an approval notice.

Congratulations! You have moved closer to acquiring permanent residency in the United States.

Whether you entered the United States with a valid visa or are adjusting your status from within the country will determine the next steps. If you are adjusting your status, your green card will be mailed to you within a few weeks of your interview. If you entered the United States with a valid visa, you must attend a separate interview at an embassy or consulate of the United States in your home country. You will be able to enter the United States as a permanent resident after this interview. The interview is the final step in obtaining a green card through marriage. It is essential to prepare for the interview to ensure a successful outcome and to bring any additional evidence to support your marriage. If you are accepted, best wishes! You have moved closer to acquiring permanent residency in the United States.

Chapter 5: Common Issues and Solutions

The process of applying for a green card through marriage can be complex and intimidating, and a number of potential complications can arise along the way. This chapter will address some of the most common issues couples may face during the application process and provide advice on how to address them.

5.1. Addressing Potential Issues

The impact of prior immigration violations or criminal history on the ability to obtain a marriage green card is a major concern for applicants. In many instances, a prior violation or criminal record can make obtaining a green card more difficult, but not necessarily impossible. In order to be eligible for a green card, an applicant may need to seek a waiver or other form of relief, depending on the severity of the violation or criminal offense. If you have questions about your eligibility, it is essential to consult with an experienced immigration attorney.

5.2. Dealing with Denials and Appeals

Unfortunately, not all applications for marriage-based green cards are approved on the first try. If your application is denied, it is essential to determine whether you can address the issues that led to the denial and to comprehend the reasons for the denial. You may be able to file an appeal or motion to reopen the case, depending on the grounds for the denial. In certain situations, it may be necessary to reapply for a green card after resolving the issues that led to the initial denial.

5.3. Post-Approval Considerations

After your application for a green card based on marriage has been approved, there are still a few things to consider. If you were granted a conditional green card, you must file a petition to remove the conditions prior to your card's expiration date. This petition requires proof that you and your spouse are still legitimately married. Additionally, after a certain period of time as a permanent resident, you may be eligible to apply for US citizenship. Citizenship confers additional rights and protections, such as the right to vote and travel with a US passport. While applying for a green card through marriage can be a complex and difficult process, it is essential to remain focused and committed to achieving permanent resident status in the United States. You can increase your chances of success and proceed with assurance if you are aware of the potential problems that may arise and seek advice from seasoned professionals.

Chapter 6: Working with an Immigration Attorney

If you are contemplating applying for a green card through marriage, you may wonder if you need the assistance of an immigration attorney. While it is possible to submit the application on your own, working with an experienced immigration attorney can provide numerous benefits and facilitate a more streamlined application process.

6.1. Benefits of Working with an Experienced Immigration Attorney

Expertise: Immigration law can be complex and confusing, and an experienced attorney can provide valuable guidance and expertise throughout the application process.

Increased Chance of Approval: An attorney can review your application and supporting documents to ensure they are complete and accurate, increasing the chances of approval.

Handling Requests for Evidence (RFEs): If USCIS requests additional evidence to support your application, an attorney can help you gather and submit the necessary documentation.

Dealing with Issues: If there are any issues that arise during the application process, such as prior immigration violations or criminal history, an attorney can help you address them and increase your chances of success.

6.2. How to Find the Right Attorney for Your Needs

Look for Experience: When searching for an immigration attorney, look for someone with experience in marriage-based immigration cases.

Check credentials: Make sure the attorney is licensed to practice law in your state and is a member of the American Immigration Lawyers Association (AILA).

Ask for References: Ask the attorney for references from previous clients and follow up with them to get a sense of the attorney's experience and success rate.

6.3. What to Expect from the Attorney-Client Relationship

When working with an immigration attorney, it is important to understand the attorney-client relationship. Here are some things to keep in mind:

Confidentiality: Your attorney is bound by strict rules of confidentiality and will not share any information about your case without your permission.

Communication: Your attorney should keep you informed about the status of your case and any updates or developments.

Cost: Make sure you understand the attorney's fee structure and how much you will be expected to pay. Many immigration attorneys offer flat-fee services for specific stages of the application process.

Working with an immigration attorney can provide valuable guidance and insight throughout the process of applying for a green card based on marriage. When searching for an attorney, it is important to consider experience, credentials, and references. In addition, you should comprehend the attorney-client relationship and what to anticipate in terms of confidentiality, communication, and cost. At Sadri Law, PC, we recognize that the process of obtaining a green card through marriage can be stressful and overwhelming. This comprehensive guide explains everything you need to know to obtain a green card through marriage, including eligibility requirements, filing procedures, and potential roadblocks. We believe that every couple should have access to the information and resources necessary to navigate the US immigration system successfully.

Therefore, we have provided a comprehensive overview of the process for obtaining a green card through marriage so that you can locate the information pertinent to your specific situation. The marriage green card process can be intricate and nuanced, as each couple's situation is unique. We recommend working with an experienced immigration attorney who can provide personalized guidance and assistance throughout the process. At Sadri Law, PC, we have assisted countless couples in obtaining green cards through marriage, and we are committed to doing the same for you and your spouse. Our team of seasoned attorneys is available to answer your questions and provide guidance throughout the process. If you choose to work with Sadri Law, PC, you can rest assured that you will receive individualized attention and assistance throughout the duration of your case. We will work closely with you to comprehend your specific situation and devise a solution that meets your requirements. Our team of immigration attorneys in San Jose, California, has years of experience assisting couples from all backgrounds navigate the US immigration system. We recognize the obstacles you may encounter along the way and are here to help you

overcome them. Please do not hesitate to contact Sadri Law, PC, for assistance and direction along the way. We are here to assist you and your spouse in establishing yourselves in the United States. To schedule a consultation, please contact us immediately at info@sadri-law.com or 408-416-3000.