

OVERVIEW OF THE ADJUSTMENT OF STATUS PROCESS



MELTZER HELLRUNG
IMMIGRATION SOLUTIONS

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Adjustment of Status (AOS) is the final stage in the green card process and, if approved, results in the issuance of a green card granting permanent resident status.

Employer Sponsored Green Card (Form I-140)

If the applicant has been sponsored for a green card by an employer, after the approval of the I-140 petition and once a visa number becomes available, an applicant who is physically present in the U.S. may submit an AOS application.

In cases where visa numbers are immediately available, an applicant who is physically present in the United States may proceed with submitting an AOS application simultaneously with the I-140 filing

Family-Based Green Card (Form I-130)

If the applicant has been sponsored by a family member, after approval of the I-130 petition and once a visa number becomes available, an applicant who is physically present in the U.S. may submit an AOS application. Similarly, if a visa number is immediately available, an applicant who is physically present in the United States may proceed with submitting an AOS application simultaneously with the I-130 filing.

Investor Green Card (Form I-526)

If the applicant is an alien investor with an approved I-526 petition and a visa number becomes available, an applicant who is physically present in the United States may submit an AOS application.

Note that if a dependent spouse and/or unmarried child under 21 will be immigrating with you, separate AOS applications will have to be submitted for each person.

Additionally, individuals who are on a single-intent visa such as E-2, E-3, TN, or F-1 cannot immediately apply for AOS after re-entering the U.S. When entering, they must demonstrate a nonimmigrant (temporary) intent. Individuals on H-1B or L-1 visas do not have a waiting period. We recommend contacting your Meltzer Hellrung attorney to discuss international travel needs and the timing around filing your AOS application.

ADJUSTMENT OF STATUS PROCESS

1 Opening a Case

Once the applicant's priority date becomes current (i.e. an immigrant visa is now available), Meltzer Hellrung will proceed with opening a matter in our online platform Voyager to process the case and invite the applicant to complete the questionnaire.

The applicant will need to complete the AOS questionnaire in our online platform. If we handled the previous I-140, I-130, or I-526 immigrant visa case, we should have the majority of the applicant's nonimmigrant documentation. The applicant will need to provide any outstanding documentation. The applicant will also need to mail in pages requiring signature sent by Meltzer Hellrung along with the required passport style photos and medical examination form.



2 Preparation of Relevant Forms

Meltzer Hellrung will prepare Form I-485 for the AOS filing. At this time, the individual may also file an I-131 application for travel authorization also known as advance parole (AP) and an I-765 application to request an employment authorization document (EAD). While we strongly recommend filing these three applications concurrently for all applicants, these filings are particularly valuable for individuals in visa statuses other than H-1B and L-1, as they will not be able to travel outside of the U.S. without advance parole otherwise.



3 Applicant Review of Relevant Formats

The applicant will review all the forms which were prepared by Meltzer Hellrung. The adjustment of status (I-485) form contains extensive biographical information regarding employment history, address history, and membership in various groups, which require the applicant's review.



4 I-485 Filing with U.S. Citizenship and Immigration Service

Once the applicant approves the forms, Meltzer Hellrung will file the AOS with United States Citizenship and Immigration Services (USCIS). USCIS will then issue receipt notices in relation to the filing.

It is possible that the priority date may retrogress (move backward) after the time of the I-485 filing, in which case USCIS will pause processing and will not review the petition again until the priority date becomes current again.



5 USCIS Review and Biometrics



USCIS will schedule a biometrics appointment after receiving the applications. The applicant will have their photo and fingerprints taken at this appointment.

6 EAD and AP Issued



The EAD and AP, if filed and approved, will be issued by USCIS. Applicants will be notified of approval by notice sent to Meltzer Hellrung and the applicant.

7 AOS Interview Scheduled or AOS Approved



After biometrics have been taken, an interview notice may be issued. USCIS may request an interview with all AOS applicants before approving an application. If an applicant has to attend an interview, they will be asked questions regarding their immigrant petition (I-140, I-130, or I-526 petition) and the biographical information contained in the I-485. Family members are typically scheduled to attend these interviews together. A phone call with your Meltzer Hellrung attorney will be scheduled to prepare for the interview.

8 Post Interview



After the interview, if USCIS approves the application, USCIS issues a green card and a welcome notice to the applicant. The green card is valid for a period of 10 years and can be renewed indefinitely as long as the applicant remains a permanent resident of the United States. In the event the green card is issued based on marriage to a U.S. citizen or as an alien investor, the initial green card will be conditionally issued for a period of 2 years. The green card holder will subsequently have to apply for the removal of conditions in order to receive a green card which is valid for a full 10-year period.

A permanent resident is eligible to apply to become a U.S. citizen after five years of permanent residency. Permanent residents who obtain their status through marriage to a U.S. citizen are eligible for citizenship after 3 years of permanent residency.

ADJUSTMENT OF STATUS - CHECKLIST



IN ORDER FOR US TO FILE YOUR ADJUSTMENT OF STATUS (FORM I-485) APPLICATION, WE REQUIRE THE FOLLOWING DOCUMENTATION FROM YOU:

- ☐ Complete copy of all current and expired passports, including all visa stamps and blank pages.
- ☐ All I-797 approval notices.
- ☐ Most recent I-94 record which can be obtained at <https://tinyurl.com/record-i-94>.
- ☐ Last two pay stubs.
- ☐ A copy of your birth certificate which lists the name of both of your parents. This type of birth certificate is commonly referred to as the long-form birth certificate in many countries.
 - If your birth certificate is not available, please contact your Meltzer Hellrung attorney immediately to discuss potential alternatives.
- ☐ Documentation regarding J-1 and J-2 exchange visitor status (if applicable).
- ☐ Six passport-style photos. Mail your passport-style photos to Meltzer Hellrung at the shipping address we provide.
- ☐ Signature pages for the forms provided that were emailed to you by Meltzer Hellrung to the address mentioned above.
- ☐ Marriage certificate, if married.
- ☐ Final divorce decree (if applicable).
- ☐ Death certificate of prior spouse (if applicable).
- ☐ Name change documentation (if applicable).
- ☐ Military record (if applicable).
- ☐ Certified police and court records of all criminal charges, arrests, or convictions regardless of final disposition.
- ☐ Form I-693 (medical examination) in sealed envelope, completed by a USCIS-designated civil surgeon. [Find a Civil Surgeon Resources](#).



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Meltzer Hellrung challenges conventions to deliver better outcomes.

Founded with the belief that immigration can be a strategic advantage, we understand the complexities of immigration and respond with innovative solutions to meet business and talent needs. Our unique solution - skilled immigration professionals delivering responsive service to clients through Voyager®, our proprietary immigration management platform, delivers the best immigration experience to companies, employees and their families.

