

IV. FBI – FAMILY BASED IMMIGRATION FOR SPOUSES OF U.S. CITIZENS

The Spouse of a U.S. citizen qualifies as an Immediate Relative of a U.S. Citizen. To qualify, the couple must be legally married in accordance with the law in their jurisdiction. Their marriage must be genuine and not consummated for the purpose of evading any of the immigration laws of the United States.

The process that most couples use if they are both in the United States is called adjustment of status. A Petition for Alien Relative along with an Application to Adjust Status is filed with all supporting documentation (including the results of a medical exam) and required application fees. Supporting documentation evidencing a *bona fide* marriage includes but is not limited to submission of documentation evidencing: joint ownership of property; joint tenancy of a common residence; commingling of financial resources; birth certificates for children born during the marriage; and affidavits of persons having knowledge of the *bona fide* marital relationship. Assuming the couple gets through the interview, if the couple is married less than two years at the time of adjudication, any green card will be conditional. That card will expire in two years. In order to become unconditional permanent resident, the spouse must apply for Removal of Condition within 90 days before his or her conditional status expires.

In order to bring your spouse to live in the United States as a green card holder, you must be a U.S. citizen. If your spouse is IN the United States through lawful admission or parole, you must file a Form I-130, Petitions for Alien Relative and Form I-485, Application to Register Permanent Residence or to Adjust Status. On the other hand, if your spouse is OUTSIDE the United States, then you must file a Form I-130, Petition for Alien Relative. When this form has been approved, it will be sent for consular processing and the consulate or embassy will provide notification and processing information.

The petitioner must submit the following to complete the process: Form I-130 (signed with proper fee) together with the required documentation which includes: two completed and signed G-325A forms (one for you and one for your spouse), a copy of your civil marriage certificate, a copy of all divorce decrees, death certificates, or annulment decrees that demonstrate that all previous marriages entered into by you and/ or your spouse were terminated, passport style photos of you and your spouse, evidence of all legal name changes for you and/ or your spouse(may include: marriage certificates/ divorce decrees/ court judgment of name change/ adoption decrees, etc.).

If you are a US citizen, you must demonstrate your status with: a copy of your valid passport or, a copy of your US birth certificate or, a copy of Consular Report of Birth Abroad or, a copy of your naturalization certificate or, a copy of your certificate of citizenship.

To find out more about the procedural steps involved and an estimate of fees, call or email us today for your free in-depth consultation!