

PREPARING FOR YOUR MARRIAGE-BASED ADJUSTMENT OF STATUS INTERVIEW

The process for obtaining permanent residency based on marriage to a United States citizen always involves an interview at the local United States Citizenship and Immigration Services (“USCIS”) office with jurisdiction over your place of residence. The sponsored foreign national (the “beneficiary”) and the United States citizen sponsor (the “petitioner”) must attend this interview, and must bring supporting documentation to establish the beneficiary’s eligibility for permanent residency status. The primary purpose of this interview is to verify that the marriage is valid, and not merely a “marriage of convenience” entered into for the purpose of obtaining permanent residency. In most cases, the interview process is very straightforward and will take less than an hour. However, it is critical that both the beneficiary and petitioner have adequately prepared for the interview, and have brought all of the required documentation. We are providing this memo to assist you in your preparation for your appointment. Once you have read this memo, please contact our office to arrange a phone conference with the attorney handling your application. Your attorney will further describe the process, answer any questions that you may have, and advise you as to any particular issues with your application. In some cases, it may be advisable for your attorney to accompany you to the interview.

The Appointment Notice

Several weeks prior to your adjustment of status interview, you will receive an appointment notice from the USCIS. As your legal representative in this matter, we also receive a copy of this notice. The notice indicates the date, time and place of your interview, and also lists the documents that you are required to bring to the interview. Note that some of the documents listed on the notice may have already been submitted, or may not be applicable to your case. If you need to reschedule your appointment, please let our office know as soon as possible. Please be advised that rescheduling can result in a significant delay in the processing of your application.

Required Documentation

As noted above, the appointment notice lays out the documentation that you are required to bring to the interview. We have provided below a list of documents that you should bring to the appointment, even if it is not listed on the notice. Note that the affidavit of support, and medical examination report are submitted with the application initially, so these items do not normally need to be taken to the interview. The items that you should bring are:

- Beneficiary's *original* current passport, and previous passports bearing entry stamps to the United States (if available);
- The *original* certified marriage certificate, the beneficiary's and/or petitioner's *original* certified divorce decree (if applicable), and *original* certified birth certificate for the beneficiary and any children of the petitioner and beneficiary. Although we submit photocopies of these items at the time of filing the immigrant petition and adjustment of status application, you should bring the originals with you to the appointment. Note that persons from some countries, including Japan, South Korea, and Taiwan, may in many cases submit an *original* certified long form family registry (with translations) in lieu of the marriage certificate, birth certificate, and divorce decree. Also note that for persons who do not have a birth certificate, *original* affidavits from parents, and an *original* "letter of no record" may be submitted in lieu of the birth certificate. You will be advised by your attorney as to whether any special documentary requirements apply in your case;
- Petitioner's *original* evidence of U.S. citizenship. This may be a U.S. birth certificate, U.S., passport, or naturalization certificate;
- Beneficiary's *original* Employment Authorization Document(s) (EAD), Advance Parole travel documents, and any other immigration documents issued by the USCIS, Customs and Border Protection ("CBP"), or Department of State ("DOS"), including approval notices, arrival departure records, visa stamps, etc;
- The petitioner and beneficiary's valid state issued identification cards, which should show their current address.
- Updated *original* employment verification letter for the petitioner and beneficiary. Although we will have submitted an employment verification letter at the time of filing your application, Both the petitioner and beneficiary will need to provide an updated letter at the time of the interview (if employed). The letter should be printed on your employer's letterhead, state your current salary, and confirm that you are employed. If the petitioner and beneficiary are both unemployed, we will be required to submit evidence of assets to demonstrate that the beneficiary will not become a public charge. The amount of required assets will depend on the size of the petitioner's and beneficiary's household. We will advise you of this amount prior to the interview.
- Wedding photos. You should bring several photographs of your wedding together. If your wedding photos are kept in a wedding album, you may bring this album with you to the appointment. Please also bring clear photocopies of 2 or 3 of these photos for the USCIS officer to retain for

- your file. If you do not have wedding photos, please discuss alternative forms of evidence as soon as possible with your attorney.
- Other photos and personal correspondences. We also recommend that you bring photos predating your marriage, correspondences, wedding invitations, wedding announcements, and other documentary evidence that helps to show the bona fides of your marriage relationship. Please also bring copies of these documents to give to the USCIS officer.
 - Joint documents. Please bring several *original* joint documents such as joint bank account statements, leases, property deeds, and insurance policies listing both the petitioner and beneficiary. Please also bring copies to give to the immigration officer. If you feel that you do not have adequate joint documents, please discuss alternative forms of evidence with your attorney.
 - Petitioner and Beneficiary's most recent *original* tax returns, including all supporting documents and attachments (W-2s, 1099's, etc.). If you e-filed your returns, please sign a copy of the e-filed form and bring this.

Arriving at the USCIS Office

Due to heightened security procedures, you should arrive at the USCIS office at least 30 minutes prior to the scheduled appointment and only take only those items that are necessary for the interview. You will not be permitted to bring in cameras, cell phones with cameras, or other items that are not permitted in a U.S. Federal building. Upon arrival, you will normally be asked by security guards to show your appointment notice and identification at the entrance to the Federal building. You will then be instructed to go through a metal detector and to put your personal items, including handbags, purses, brief cases, coats and jackets through an x-ray machine. You may also be instructed to take your shoes and belt off and put these items through the X-ray machine.

Submitting your Appointment Notice

Your appointment notice will indicate where the interview waiting room is located within the USCIS Office. Once you have entered the building, please go to this room. There may be an immigration officer at a reception desk in the waiting room to whom you should give the appointment notice. The officer will instruct you sit in the appropriate section of the waiting room to wait for your name to be called for your appointment. At some of the smaller USCIS offices, there will only be a box in which to put your appointment notice. If an attorney from our office will be accompanying you to the interview, you will meet the attorney in the waiting room, unless agreed otherwise beforehand. The waiting period before

being called in for the interview is typically between 20 to 60 minutes. Depending on the office's workload, the waiting period may be significantly longer.

The Interview

Once called for the interview, you will be directed to an office or cubicle where the interview will take place. The examining officer will begin by having both the petitioner and beneficiary remain standing, raise their right hands and take an oath to swear to tell the truth. The officer may notify you that the interview is being videotaped, and you may see a video camera in the office. This is not unusual, and should not cause any concern. The officer will then typically ask to see both the petitioner's and beneficiary's identification documents, the petitioner's US citizenship evidence, and the beneficiary's immigration documents.

The officer will review the application materials and ask to confirm information provided on these applications, including your current address and phone numbers, and the beneficiary's answers to the eligibility questions on Part 3 of the Adjustment of Status Application form (I-485). We strongly recommend that you review these questions prior to the interview and confirm that the answers given at the time of filing the application are accurate. If any of the information has changed since the time of filing, you should ask the officer to update the application during the interview. You will be asked to explain any "yes" answers on Part 3 of the I-485 application and may be required to provide supporting documentation. You should discuss "yes" answers with your attorney prior to the appointment, as such answers may affect your eligibility for permanent residency.

The officer will also review the affidavit of support and ask for the updated employment verification letter(s), or evidence of assets if you are not working. The officer will also review the beneficiary's immigration history in the US to determine whether any violations would make the beneficiary ineligible for permanent residency. If you feel that a previous violation of status may be an issue, please discuss this with your immigration attorney prior to the appointment.

If there are problems with the beneficiary's medical exam results, the officer will bring this up at the interview as well. In some cases, the beneficiary will need to have the exam results re-done, corrected or completed. If you have any concerns about a particular medical condition, please discuss with your attorney beforehand.

Following a review of the application, affidavit of support, and medical exam results, the officer will ask to see the marriage and joint documents, and begin

asking questions designed to determine whether the marriage is bona fide. This is the primary purpose of the interview. We have provided a list of questions that are often asked at marriage-based adjustment of status interviews:

- Where and how did you meet each other?
- Who proposed marriage to whom?
- How long were you dating before you proposed to him/her?
- Where did you propose to him/her?
- Did you have a large wedding?
- Were your parents at the wedding?
- What is your spouse's cell phone number?
- What is your home phone number?
- What is your mother-in-law's first name?
- Where do your in-laws live?
- How many brothers and sisters does your spouse have? What are their names?
- What did your spouse have for breakfast?

The above list is by no means exhaustive. Immigration officers are creative in coming up with questions to determine whether the petitioner and beneficiary live together, and how well they know each other and each other's family. The questions will also often be based on specific information in the application, marriage and/or joint documents. In rare cases, the officer will separate the petitioner and beneficiary and ask questions independently to ensure that the answers given are consistent.

Conclusion of the Interview

At the conclusion of the interview, the officer will inform the petitioner and beneficiary on whether the application has been approved, or whether further processing is required. In some cases, the beneficiary's background checks will not have cleared at the time of the interview. This tends to be more of an issue for people with common names, and could result in a delay of several months. The officer may also hold off on approving the case until he or she has reviewed a particular issue in more detail, conducted an investigation of relevant facts, or had a supervisor approve the adjudication.

If permanent residency is not granted at the time of the interview, you should ask the officer to return the Advance Parole travel document and Employment Authorization Document. The beneficiary may need these for international travel, and as evidence of employment authorization.

Issuance of the Permanent Resident Card (“Green Card”)

If the application is approved, you will be given a letter confirming the approval, and should receive the actual permanent residency card in the mail within a few weeks. If the application is approved at the conclusion of the interview and you have immediate travel plans to leave the United States, you may ask the officer to issue a temporary stamp (“I-551 stamp”) in your passport as evidence of the permanent residency status. Note, however, that officers are reluctant to grant these stamps except in emergency situations.

Conditional Permanent Resident Status

If the petitioner and beneficiary have been married for less than 2 years at the time of the interview, the beneficiary will be granted “conditional permanent residency” status. This means that the status will be valid for only 2 years from the time of the interview, and the petitioner and beneficiary will have to file to remove the condition (“Form I-751”) 1 year and 9 months following the interview date. Once the condition is removed, the beneficiary will be given a full validity permanent resident card that will be valid for 10 years.

Rights and Responsibilities of Permanent Residents

Once your permanent residency is approved, we will provide a memo on your rights and responsibilities as a permanent resident of the United States. This memo outlines the necessary steps to maintain your permanent residency status, and eligibility for U.S citizenship. In most cases, you can apply for citizenship within 2 years and 9 months of obtaining permanent residency. If you plan to leave the U.S. for more than six months after you have obtained permanent residency, you should consult with your attorney beforehand. Doing so could jeopardize your permanent residency status, and your eligibility for citizenship.

We hope this memo assists you in preparing for your immediate relative adjustment of status interview. Please do not hesitate to contact our office should you have additional questions.