

### **FAQ about Adjustment of Status: “My Form I-485 Has Been Filed. Now What?”**

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## FAQ after Filing Your Adjustment of Status Form

Congratulations! You are now in the last stage of your green card process, the adjustment of status (AOS). Naturally, you are curious to know what happens after filing and how long it will take to get your green card.

Although the AOS steps are fairly consistent, the time frame for adjudication is based on the USCIS caseload, the USCIS office handling your case, and the particular facts of your case.

### ***An Important Note about Travel***

After filing your AOS, you may want, or need to, travel abroad. It is important that you remember, however, that you will not be able to do so for about 90 days.

If you travel abroad without an Advance Parole, USCIS will assume that you have abandoned your AOS application. **You will need to start all over, which costs money, can be frustrating, and delays the achievement of your goal of obtaining a green card.**

Additionally, it is important to understand that while Advance Parole may allow you to travel abroad, it **does not guarantee** your re-entry into the U.S.

Our recommendation is that you refrain from traveling abroad during this period.

The following is a general outline of the basic steps of the process, *an estimate* of the timeline, and answers to the FAQ we receive about this process.

### **1. Notice of Receipt of Application (2-3 Weeks after Filing)**

After a few weeks have passed, USCIS will send a Notice of Action confirming the receipt and acceptance of your application. The Notice will have a caption looking something like the below.

Department of Homeland Security  
U.S. Citizenship and Immigration Services

Form I-797C, Notice of Action

**THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.**

This is an important document, because it contains your 10-digit receipt number that will allow you to check your case status at the USCIS website.

### **2. Notice for Biometrics Appointment (3-5 Weeks after Filing)**

Applicants for a green card are required to undergo biometrics, which is collection of data that is unique to you. This includes having your fingerprints and photograph taken and recording your

signature.

Your biometrics will allow USCIS to conduct the required background check so your case adjudication can continue. The appointment typically lasts around 15 minutes.

### **3. Biometrics Appointment (5-6 Weeks after Filing)**

You will be required to bring your Notice of Appointment and photo identification to your appointment. Typically, acceptable documents include:

- Valid passport
- Driver's license
- State-issued photo identification card

Once your fingerprints are taken, it generally takes 30-45 days for the FBI clearances to appear in USCIS's system. The clearances are valid for 15 months from the date of the clearance. In some cases, applicants might need to be re-fingerprinted.

### **4. Request for Evidence (1-6 Months after Filing)**

In about 35% of the cases, USCIS issues a Request for Evidence (RFE) to obtain additional information to adjudicate your case. If we receive an RFE, we will reach out to you to strategize and prepare a response. In some cases, depending on the extent of the RFE, additional fees might apply.

### **5. Receipt of Employment Authorization Document and Advance Parole (About 90 Days after USCIS Accepts Your Application)**

Your approved Employment Authorization Document (EAD) allows you to apply to work for any employer. This is another very important document which provides evidence of your status.

If you were previously unable to apply for a Social Security Number (SSN) or driver's license because your prior status did not support the issuance of one, you may do so once you receive your EAD.

The Advance Parole or Travel Document will allow you to travel abroad and request re-admission at a port of entry. However, as mentioned above, it is important to note that your re-admission is discretionary and not guaranteed.

The function of the Advance Parole is to keep your AOS application alive while you are abroad, but – again – it won't protect you from being found inadmissible upon your return. Additionally, even with Advance Parole, there may be some risk in traveling abroad if you have accrued unlawful presence or have other grounds of inadmissibility.

Don't be alarmed if, upon return, you are pulled into secondary inspection.

Because of all the potential problems, it is best not to travel abroad during the AOS process if

possible.

On certain cases USCIS is issuing a *single-document* EAD and Advance Parole. The document is a card, similar to a green card, which includes the text “Serves as I-512 Advance Parole”. Employers may accept this card as a List A document when completing the Form I-9.

## **6. Interview Appointment Notice (5-8 months after Filing)**

If your AOS case is based on marriage to a U.S. citizen, you will be scheduled for a required interview with a USCIS officer. This interview is to confirm the validity and bone fide nature of your marriage.

It is very important that you prepare for and attend this interview. After we receive the Interview Appointment Notice, we will reach out to you to schedule a conference call to prepare you.

*For employment-based cases, the interview is usually waived.* But in some cases, USCIS schedules you for an interview, to clarify any changes or corrections and to verify your immigration and work history. If you are scheduled, we will prepare you for it.

## **7. Receive Your Welcome Notice and 10- or 2-Year Green Card in the Mail (6-10 Months after Filing)**

After USCIS has fully reviewed your application, and if all the evidence is to their satisfaction, your case should be approved. Once this happens, your green card will be mailed to you.

If your AOS is based on marriage to a U.S. citizen and your marriage occurred less than two years prior to filing the spousal petition, you will receive a 2-year Conditional Green Card. Ninety (90) days before this status expires, you must file a petition to remove the *conditional* status in order to become an *unconditional* permanent resident.

All other applicants typically receive a 10-year green card.

## **8. Do I need to inform USCIS if I change my address?**

Yes. You are required to file an address change notification within 10 days of moving to a new address.

This is a *very important* obligation. Fortunately, it is easy to file the required form. The best way to submit an address change notification is electronically. You can file your notification with USCIS here: <https://egov.uscis.gov/coa/displayCOAForm.do>

Doing this is particularly important during the AOS process, because if USCIS does not have the correct address, you may not receive your EAD, Advance Parole, green card, or other notifications.

USCIS is only required to send notices to the last address it has for you. “I never got my interview notice” is not an acceptable excuse for missing an interview or appointment if you moved and neglected to change your address with USCIS.

Moreover, you should not count on the U.S. Postal Service – or anyone living at your old address – to forward your mail to your new address.

The best way to avoid these types of issues is to avoid moving during this process if possible.

### **9. How can I check on the status of my case?**

You can check your case status on the USCIS website here: <https://egov.uscis.gov/casestatus/landing.do>

Enter your receipt number directly on this screen. This number can be found on any official USCIS notice. Typically, it is located in the upper left-hand corner of the notice.

If you have filed more than one petition and/or application, each one will have a unique receipt number. Make sure you use the correct number for each individual petition or application.

For example, employment-based and family-based adjustment cases have individual numbers for the I-140, I-130, I-485, I-765, and I-131.

### **10. While my employment-based AOS application is pending, can I accept a job promotion and remain eligible for AOS?**

*Employer-sponsored immigrant visas* tend to be for specific jobs with stated duties and compensation. You must intend to work in the job you were sponsored for and fulfill the proposed duties and compensation of the position for a reasonable amount of time.

The USCIS adjudicator will evaluate a promotion on a case-by-case basis. USCIS must find that your new job, duties, and salary is in the same or similar occupational classification as the proposed immigrant visa position.

If a change is planned or expected, you should consult your immigration attorney.

### **11. What checks are conducted by the USCIS concerning my I-485 application?**

USCIS conducts several checks to adjudicate an AOS application.

These checks include:

- A check against all previous petitions or applications filed on your behalf to ensure consistency with prior statements or documents already in your file.
- A background name check that is conducted against a multi-agency database which contains lookout information on persons who have a history of past immigration problems or may pose public safety or security threats.
- A check of the authenticity of supporting documents against DOS descriptions contained in

that agency's Foreign Affairs Manual. If there are any doubts regarding these documents, the USCIS may request the original documents.

- A biometrics check, as noted previously, which includes FBI fingerprint and name check.

### **12. What is the difference between consular processing and adjustment of status?**

Consular processing refers to an application for a green card for those who are outside the U.S. The adjustment of status (AOS) is available only to those who are physically present in the U.S. AOS allows you to maintain valid status in the U.S. while your application is being processed.

Currently, the AOS is the more efficient and convenient way to obtain a green card. For some applicants, however, consular processing may be the only option.

### **13. Do I need to apply for a work permit after I receive my green card?**

No. As a green card holder, you have the right to live and work in the U.S. without the need to apply for an additional document.

### **14. What happens if my AOS is denied?**

You will receive a letter in the mail telling you why the application was denied. In general, a denial of an application for AOS cannot be appealed.

USCIS might deny an AOS case if the regulatory requirements are not met. Prior to issuing a denial, USCIS should issue a Request for Additional Evidence (RFE) or Notice of Intent to Deny (NOID) to give you an opportunity to correct and/or supplement the evidence.

Although past results do not guarantee future results, we want you to know that we have not had an AOS case denied in over ten years of practicing immigration. With the help of our clients, we work very hard to keep this track record.

\*This material is not intended to substitute as legal advice.