

FAQs: What to Expect at Your Employment-Based Green Card Interview

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

FAQs: What to Expect at Your Employment-Based Green Card Interview

USCIS is now conducting in-person interviews for employment-based green cards. These types of interviews have not been conducted since the 1990s, so many people have questions about what to expect from the process. I am attending these interviews with my clients.

Here is a summary of my observations and answers to the most frequently asked questions about employment-based green card interviews.

1. What can the employee expect when arriving at the interview?

The employee will clear security and check in at their local USCIS field office, which is listed on their interview notice. Then they will wait in a waiting room until called for the interview by the adjudicating officer.

Applicants should have their attorney present as these interviews can be complex and will determine whether the employee's case is favorably adjudicated.

2. What should the employee bring to the interview?

The USCIS interview notice is generic and, at this time, not specific to an employment-based interview. Many of the documents listed in the interview are not applicable. Thus, we recommend that the employee also brings the following documents:

- any immigration documents received after the petition was filed, such as employment authorization, advance parole permit, or others;
- current passport;
- originals of identity documents, such as birth certificates (including the full name of the parents) and/or marriage certificates; and
- a recent letter from the employer confirming continued employment in the applicable position with the specified salary.

The employee should not volunteer information or provide documents unless they are requested or help significantly clarify a point.

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3. What questions will the employee be asked?

The purpose of the interview is to verify the information and documentation presented in the I-140 petition and adjustment of status application. The officer has the discretion to explore other topics. The USCIS officer may mainly ask questions about:

- the employee's qualifications for the position, such as education, work experience, and certifications;
- the employee's title, job duties, and salary;
- the employee's admissibility, such as any arrests, immigration violations, or misrepresentations; and
- the employee's good moral character.

4. How long will the interview last?

Most interviews last around 30 minutes, but the employee should plan for about 3 hours for the entire process, considering security procedure, checking in, wait times, and other delays.

5. What happens at the end of the interview?

Hopefully, for most applicants, the case will be approved, and the employee might receive a "I-551" stamp in the passport. The physical green card should arrive in the mail in 2-3 weeks.

If the case cannot be approved, the officer will usually ask for additional documentation or advise that they need to do further internal processing. Once the documents are submitted by the deadline given or the internal process is completed, the officer will reopen the case, evaluate the response, and send the final decision by mail.

6. How are these new interviews impacting the processing time of other cases?

These interviews are lengthening processing times for all cases since they are increasing the workload of USCIS field offices.

It is more critical than ever that employers and employees work closely and proactively with their immigration attorneys to monitor underlying visa validity, employment authorization documents, and advance parole documents to support work authorization.

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7. Are the employee's spouse and children also interviewed?

Yes, dependents on the application will also be called for an in-person interview.

Each applicant will get a separate interview notice from USCIS – except children under 14 years old, whose interviews may be waived. USCIS will attempt to schedule families together at the same time and location, but they do not guarantee this.

8. What types of questions will the employee's spouse and children be asked?

The USCIS officer may ask questions about:

- the legality of the relationship to the primary applicants; and
- the bona-fide nature of the relationship with the primary applicant.

9. What should the employee's spouse and children bring to the interview?

The generic USCIS interview notice will have a list of documents to bring. The applicant should make sure to bring:

- original marriage certificates (for spouses);
- original birth certificates, custody/adoption, or similar documents (for children) including the full name of the parents; and
- documents that confirm the bone-fide nature of the relationship, such as:
 - joint taxes, assets, leases, mortgage, bank accounts, or credit card statements;
 - or evidence of children born to the marriage.

10. What should the employee do if there have been job changes since the I-140 filing?

If there is a job change during the pendency of the adjustment of status, a Supplement J to request job portability must be filed. This will require:

- a Form I-485 pending with USCIS for 180 days or more;
- an approved or pending Form I-140 naming the employee as the principal beneficiary; and
- a permanent job offer from a US employer in a same or similar occupation listed on the underlying Form I-140.

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11. What should your immigration attorney be notified of?

Below are some examples of situations where you will need legal guidance:

- change of employer or payroll entity;
- change of job location;
- change of job title, duties, or responsibilities;
- change of job hours (going from full-time to part-time, for example);
- corporate merger, acquisition, name change, FEIN change, or other restructuring;
- job loss; or
- arrest in the United States or abroad.

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