

ADJUSTMENT OF STATUS

What is Adjustment of Status?

Adjustment of status (AOS) is the process through which you can apply for lawful permanent residence status (LPR) in the United States. This process is often referred to as applying for a green card. Adjustment of status allows you to apply for LPR status without having to leave the United States.

Who can adjust status?

- Immediate relatives of U.S. citizens are not subject to the priority date. Immediate relatives include spouses, children under 21 years of age and parents (the US citizen child must be over 21). Unmarried sons and daughters (over 21 years of age, married sons and daughters (of any age) and siblings can also adjust status but are subject to priority dates.
- Those adjusting to a legal permanent resident sibling, only spouses, and children can adjust but are subject to priority dates. Please refer to the visa bulletin available at travel.state.gov for most up to date priority date

I- 130:

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- Relative Petition: Form I-130/ Form I-130A, Petition for Alien Relative
- Supporting docs
- Proof of immigration status of petitioner
- Proof of relationship
- Extra hurdles for spouses and unmarried fathers
- Termination of prior marriage, if relevant
- Passport picture of spouses

II- 485:

- Family Petitions
- Refugees and Asylees
- Employment based applications
- Fiancé(e)
- Battered spouses
- Diversity visa
- I-94 printout from CBP, or passport stamp
- Birth certificate
- Medical Exams
- Criminal records, if applicable
- 2 passport photos
- Applicable fees
- Form I-864: Affidavit of support with supporting docs (i.e. Federal tax returns)
- Form I-765: Application for Employment Authorization
- Form I-131: Application for travel document (if applicable)

Bars to Adjustment of Status:

- Unlawful status: If you do not have lawful status to be in the country
 - If you have a visa or documentation granting you entry you are most likely in lawful status
 - if you have been granted status (such as a visa) but it is expired or revoked you have unlawful status
- Failure to maintain status: Applicants who ever failed to maintain their immigration status.
 - Such as overstaying a visa
 - The date on your I-94 will determine the last day you are allowed to stay in the United States
- Unauthorized Employment: If you worked in the United States without proper authorization to work
 - There are exceptions and waivers but are specific to each immigration case.

