

## **Documentation for Application for Permanent Residence Based On Marriage To A U.S. Citizen**

Individuals who marry a U.S. citizen can immediately file for permanent residence based on the marriage. The application is submitted to U.S. Citizenship and Immigration Services (USCIS). Documentation should be submitted in the following order:

1. Self-addressed stamped envelope for receipt.
2. Money order(s) or certified check(s) for filing fees. (See fee amounts in items 3, 4 and 13. All fees can be paid by one check.)
3. Form I-485 (Application for Permanent Residence.) (\$1,010.00 fee for each person over 14, \$600.00 for each person under 14 - certified check or money order stapled to the upper left corner of form.) If the USCIS sent you Supplement A to Form I-485, ignore Supplement A. You do not need to complete or file Supplement A.
4. Fingerprint fee (\$50.00 fee - certified check or money order). The USCIS will send notification of time and place for later fingerprinting.
5. USCIS Data Sheet (available at USCIS or UC International Services).
6. Two color photographs of husband and two color photographs of wife, each in accord with the instruction sheet. Print names on reverse side in pencil, place in separate envelope and staple the envelope to a separate sheet of paper. (When having photos taken, show the instruction sheet to the studio to be sure the photos will meet requirements.)
7. Birth certificate of beneficiary showing parents' names (photocopy). Passport is NOT acceptable as a birth certificate. Foreign language certificates must be translated, with translator's certification.
8. Form I-864 (see [Affidavit of Support](#) page). Documentation does not have to be complete at time of application; detailed and up-to-date supporting documentation may be brought to the interview.
9. Report of medical examination (sealed)(I-693). A list of certified USCIS Civil Surgeons should be sent to you with your forms or it can be obtained by calling the USCIS at 1-800-375-5283.
10. Photocopy of complete passport.
11. Photocopy of both sides of the I-94. Statement of all prior periods of stay and visa status in the U.S. including copies of related documents (I-20s, DS-2019s, I-797s), if possible , and a waiver letter, if J-1 is subject to the two-year home residency requirement.
12. Form I-130 (Petition for Alien Relative). (\$355.00 fee - certified check or money order).
13. Birth certificate, naturalization certificate, or passport of U.S. citizen (photocopy).
14. Marriage license (photocopy).

15. Divorce decree(s) and/or death certificate(s) from all prior marriages for petitioner and beneficiary (photocopies).

16. Form G-325A (Biographic Information) for both husband and wife.

### **Work authorization**

If you wish to obtain work authorization while the I-485 application is pending, apply at the USCIS Cincinnati in person after return of the USCIS receipt notice. Take Form I-765 (Application for Employment Authorization) and the USCIS receipt notice. No photographs are needed. Eligibility in #16 should be indicated as (c)(9). Authorization will be granted the same day. (\$340.00 fee may be paid by check with two pieces of photo ID and social security number).

### **K-1 Applicants**

K-1 applicants will have already provided some of the above documentation as part of their I-129K petition. They do not need to submit birth certificates, death or divorce decrees, G-325A (Biographic Information) for the U.S. spouse, I-130 (Petition for Alien Relative), or medical examination.

### **Marriage to US Citizen - FAQ**

If you marry a U.S. Citizen you are eligible to apply immediately for Permanent Residency (Green Card), unless you are on J-1 visa with a two-year home residency requirement which has not been fulfilled or waived. There are several issues related to travel and timing of an application which need to be considered carefully.

#### **Do I get to be a permanent resident just by marrying an American?**

No, you must file an application with USCIS including an affidavit of support, certified medical examination, and other documentation as outlined below in our "Documentation for Application Based on Marriage to a U.S. Citizen" section.

#### **Can I apply before we get married?**

No, USCIS needs proof that you are married. You can, however, prepare your application prior to marriage.

#### **What is a fiancé(e) visa?**

A visa that allows a fiancé(e) outside the United States to enter the U.S. in order to get married. The U.S. citizen fiancé(e) has to file a petition with the USCIS in the U.S. The approved petition will be forwarded to the Consulate, which will contact the applicant and eventually schedule an interview. Processing will probably take about 4 months before the fiancé(e) visa is issued.

**My fiancé(e) is American, but he/she doesn't have a U.S. passport, only a green card.** If your fiancé(e) has a green card, he/she is NOT a citizen but a permanent resident. He/she can petition for you to become a permanent resident, but because of the quota there is a long wait before you can even apply for the green card. The waiting period is currently 5 years.

**If my permanent resident fiancé(e) applies for me once we're married, can I stay in the U.S.?**

Not unless you have a valid non-immigrant visa throughout the waiting period (about 5 years!).

**Can I work while waiting to get my green card?**

When you apply for permanent residency (I-485, application, affidavit, medical exam, photos, etc.), you can also request work authorization to cover employment while your application is being processed. If you marry a permanent resident and are not able to file for green card yet, you can only work if you have a valid non-immigrant visa which allows you to work.

**Once I've filed the application with USCIS how long does it take?**

It varies at different USCIS offices and can take up to 12 - 18 months to process. You should check with the office where you will be filing.

**After the interview, do I get my green card?**

Your passport will be stamped as proof of permanent residency for travel, work, etc. The actual laminated "Permanent Resident" green card will be issued separately, but your permanent residency starts as of the original approval date.

**I've heard that both my spouse and I have to be interviewed -- is that true? What will USCIS ask us?**

Yes, both husband and wife will be interviewed. The purpose of the interview is to determine that the marriage was entered into in good faith and that all USCIS forms have been correctly completed.

**I've heard that the green card is only temporary, is that true?**

Yes, because marriage is a relatively easy route to permanent residency, there is a second check on the marriage after 2 years. USCIS will grant conditional permanent residency for 2 years, after which you'll need to file another form to get an unconditional green card. (If you've already been married 2 years by the time you apply, the green card will be permanent.)

**If I become a permanent resident, do I have to give up my passport?**

No. A permanent resident is NOT a citizen. Your citizenship doesn't change. In fact, you can only apply to become a U.S. citizen after having a green card and being married to a U.S. citizen for 3 years.

**What are the benefits of permanent residency?**

You may be eligible for in-state tuition at University of Cincinnati, will qualify for most student financial aid, will not have restrictions on working, and can return to the U.S. freely after short trips abroad.

**What are the conditions of permanent residency?**

You must not leave the U.S. for more than a year without advance permission -- if you're

planning to be abroad for extended periods of time you risk losing your permanent residency. Additionally, you will not qualify for some types of Federal Aid, such as Food Stamps.

**What forms do I need, and where can I get them?**

See the "Documentation for Application Based on Marriage to a U.S. Citizen" section.

**I understand USCIS will ask my spouse to show that he/she will always support me. What is that regulation?**

With the passage of the immigration law of 1996, there are quite specific financial requirement for people applying for the green card based on marriage. See the page titled Affidavit of Support.

**Will UC International Services help me process my application for permanent residence based on marriage to a U.S. citizen?**

No, UC International Services will not assist you with filing your application for permanent residence based on marriage to a U.S. citizen. We have developed these instructions to assist you in the process.