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Immigration through marriage

Overview

A person who marries a U.S. citizen is considered a close relative and is eligible to petition for lawful permanent resident. The marriage must not be a sham, and must be legally entered into--that is, both parties were free to marry, all prior divorces were legal, and the marriage formalities themselves are recognized as legal in the jurisdiction where the marriage occurred. The marriage must still legally exist--the parties cannot be divorced or legally separated.

Conditional Residence

The spouse of a citizen whose marriage was created within two years prior to being granted permanent residence is granted residence on a conditional basis. He or she is a full permanent resident in all respects--eligibility for employment, ability to travel freely in and out of the United States, accumulation of time toward compliance with residence and physical presence requirements for naturalization as a U.S. citizen--but that residence is subject to termination within two years after it is granted if the marriage has terminated by divorce or annulment during that period, or the marriage turns out to be sham. After two years of the conditional residency, the petitioner and the beneficiary spouse can file to remove the conditions and obtain the 10-year permanent residence.

Government Filing Fees

Total: \$935

1. I-485: Adjustment of Status (\$325)
2. I-130: Petition for Alien Relative (\$190)
3. I-131: Travel document (\$170)
4. I-765: Employment Authorization (\$180)
5. G-325: Biographic information (\$0)
6. I-134: Affidavit of Support (\$0)
7. Biometric Fee (\$70)
8. AR-11: Change of address (\$0)

Processing Time

The processing time for each petition varies. The current processing time for I-131 Travel document and I-765 Employment Authorization is about 2-3 months and I-130 Petition for Alien Relative is about 7 months. The I-485 Adjustment of Status is about 10-11 months.