

After the I-140 is Approved

The I-140 is not the final application for Permanent Residency; rather, it represents the University's petition to retain an international employee indefinitely. Approval of the I-140 gives **YOU**, the international employee, a valid basis on which you can apply for a Legal Permanent Residence. However, because this last step is your application, and not the university's, it is up to you to file the necessary forms and to consult with a qualified immigration attorney to represent you if you would like assistance with this process. For legal and liability reasons, the Center for International Studies & Programs can only provide you with general, publicly available information about immigration; we cannot fill in any forms or answer any questions specific to your situation. The American Immigration Lawyers Association provides a wealth of information at www.aila.org/, and maintains a list of practitioners who specialize in immigration law at www.ailalawyer.com/.

Now that USCIS has approved YSU's I-140 in support your application for Permanent Residency, you have two choices for completing the Permanent Residency Process. The first choice is to process Permanent Residency at a U.S. Consulate or Embassy through Consular Processing, which involves traveling abroad for an interview in order to obtain an immigrant visa, which would permit you to enter the U.S. as a Legal Permanent Resident. The other choice is to file for an adjustment of status to Permanent Residency from within the United States by using the form I-485 Application to Register Permanent Residence or Adjust Status. While YSU does not endorse one method or the other, the I-485 (Adjustment of Status) is more common; this process allows the international applicant to apply for a green card from within the United States. More information about Consular Processing can be found at www.uscis.gov/; more information about the adjustment of status process can be found on the following pages.

I-485 ADJUSTMENT OF STATUS: FINAL STEP TO OBTAINING PR-STATUS IN THE U.S.

To adjust status to Permanent Residency within the United States, the international employee must file the Form I-485, Application to Register Permanent Residence or Adjust Status. Before being able to apply for adjustment of status, the applicant's priority date (based on the I-140 Receipt Date or the PERM filing date with the Department of Labor) must be current. The current priority dates can be found in the Visa Bulletin at http://travel.state.gov/visa/frvi/bulletin/bulletin_1360.html.

If you are eligible to file for adjustment but haven't done so, I urge you to do so as soon as possible. If your priority date is not yet current, you must still wait until it is before filing the I-485.

As a reminder, the following documents and forms are generally necessary to be able to adjust status to Permanent Residency. The details are available under the Forms Section of the USCIS website, www.uscis.gov/.

- Form I-485 for Applicant and for each dependent family member
- Form I-485 filing fees (currently totaling \$1,070) for Applicant and for each dependent family member
- Copy of I-140 approval notice (not needed if concurrently filing I-485 and I-140).
- Proof of waiver or completion of 212(e) 2-Year Home Residency Requirement if currently/ previously on J-Visa and changing status in U.S.

- Form G-325A Biographic Information for Applicant and Each Family Member (4 pages each)
- Form I-134 Affidavit of Support, notarized and completed by main applicant for any dependent family members
- Form I-693 medical exam and Form I-693 supplement for applicant and each dependent family member, completed and sealed by a Designated Civil Surgeon (Civil Surgeons can be found under I-693 in the forms section at www.uscis.gov)
- Letter of support from the academic department (see sample letter in Enclosure A Section for the Department)
- Two passport style photos for applicant and each dependent family member
- Biometrics fee for applicant and each dependent family member over 14 years old (USCIS will send notification for fingerprint appointment)
- Copy of birth certificates for applicant and each dependent family member, with English translation if not in English
- Copy of marriage certificate with translation if not in English
- Copy of divorce or death certificates from previous marriages with translation if not in English
- Copy of all passports held by applicant and dependents (include introductory page and any and all stamped pages)
- Copies of I-94 Card (FRONT AND BACK) and current/ most recent Visa Stamp
- Copies of all previous I-20's, (and/or DS-2019's and/or IAP-66's), and I-797 Approval Notices
- Copies of transcripts for anyone who studied in the U.S. as an F-1 or J-1 student

**APPLYING FOR TEMPORARY WORK AUTHORIZATION
BASED ON PENDING I-485**

While waiting for the adjudication of an I-485 application to adjust status, it is possible for the applicant (and any dependent family members for whom I-485s have also been filed) to apply for an Employment Authorization Card (EAD Card). To obtain the EAD Card, the applicant must submit the form I-765 along with I-485 petition (or receipt notice).

**TRAVEL AUTHORIZATION WHILE ADJUSTMENT OF STATUS
TO LPR is PENDING**

Individuals who travel internationally should also be sure to apply for Advanced Parole using the Form I-131. Advance Parole allows the individual who has filed the I-485 to travel and reenter the United States without the need for a new visa. You must obtain Advance Parole in order to ensure that their I-485 petition is not **automatically cancelled; USCIS considers departure from the United States without Advance Parole, even for a brief visit, to constitute conclusive and irrefutable evidence of your intention to abandon your petition for Legal Permanent Resident Status.**

Please remember that the Center for International Studies & Programs staff cannot answer questions about your specific application for adjustment of status. Please consult a qualified immigration attorney if you need legal assistance with this process. We would, however, be happy to provide information of a general nature and to suggest resources if you would like.