



Marrying a U.S. Citizen / LPR Applications

International Student Services 102 SNOW Admin. Building 808-675-3516

Disclaimer

The information provided here is to be used as a guide and is not an official list of USCIS requirements and procedures. Immigration laws and regulations change frequently and you should always contact the USCIS directly for the latest official information and procedures as they pertain to your case. BYU-Hawaii International Services is not responsible for your application. Some of these instructions may not apply to you if you live outside of Hawaii.

Regulation

An international student who marries a United States citizen automatically becomes a potential immigrant, and as such may no longer be eligible for nonimmigrant benefits such as reentry into the U.S. with Forms I-20 or DS-2019 after a temporary absence. Permanent residency becomes available to the student and can be obtained as explained below.

Requirements

To be eligible for permanent residency, the marriage must have been valid at the time it was performed. The marriage must be registered and recorded, must still be in existence, and the marriage must not have been entered into for the purpose of conferring permanent residence status on the alien.

IN ADDITION – IF YOU ARE A “J” STUDENT AND SUBJECT TO THE INA 212(e) TWO-YEAR RULE, YOU MUST EITHER OBTAIN A WAIVER OF THIS REQUIREMENT, OR FULFILL THE REQUIREMENT, IN ORDER TO BECOME A U.S. PERMANENT RESIDENT.

Addresses

You must have a valid U.S. address. Immigration forms, documents and letters will not be forwarded even if you have a forwarding order on file at the post office; they are returned to the USCIS service center which may result in your application being cancelled. If you need to use another person’s address as your mailing address, make sure you put: “C / O [the other person’s name]” on the forms. This will allow the post office to deliver the mail appropriately.

Procedure

1. Obtain the necessary forms and additional information from one or more of the following sources:
 - Call 800-870-3676 to order paper forms which should arrive in about three weeks.
 - Or, download forms online at <http://www.uscis.gov>
Click on “Immigration Forms” to select and download forms. Forms are fillable and can be saved on your PC.
2. Complete all of the forms, including supplemental **forms as listed on page two of this handout**, in the order listed, with fee on top. Separate the petitions / applications but mail all together as one entire package to the address shown.
3. Your application will be processed and sent to the local immigration office with jurisdiction over the area in which you live. During this time you will be invited to the local office (Honolulu) to complete biometrics and again for the interview with an immigration officer. The complete process usually takes between four to six months in Hawaii, but may take up to a year or more to complete. However, you should receive your work and travel authorizations within 8 to 10 weeks. If you have an emergency, you can go to the Honolulu Office for an emergency travel authorization if you have proof that you filed the I-131; usually a receipt notice.
4. Alien spouses of citizens or residents are granted **conditional** permanent residency. The conditional resident must apply, using form I-751, to remove this conditional status within the 90-day period before the two-year anniversary of being granted residency, or the status is automatically terminated. If the alien has been married for two years or more prior to applying for residency, the alien may be granted **permanent** residency without conditions.



Required Forms and Supplemental Evidence - Marrying a U.S. Citizen / LPR Applications

See www.uscis.gov for all Forms, Instructions, and further information

NOTE: Petitioner (the U.S. citizen) signs the I-130... Applicant signs the other three applications...

Fill out the following Four Forms in bold below, online, then print and arrange with evidence in the order shown below. Put the check and photos on top of the Form, and the evidence underneath. Clip the four Forms separately, and mail all together (file concurrently) in one envelope to the lockbox address shown at bottom.

I-130: (\$420.00 fee) Made out to: "U.S. Department of Homeland Security (USCIS)"

(one photo of each person)

Copies of spouse's passport, visa, I-94 (if available), Form I-20 or DS-2019

Evidence of citizenship (copies of your Naturalization Cert., U.S. Passport, or U.S. birth record)

G-325A (2 = one for each) (biographical data Form - find this under Forms on the website)

Marriage registration (not just the certification from the Church, but the municipal registration / recording)

Remember also: Evidence of "Bona-fides" of the marriage: (joint: property, tenancy, finances, children B.C.s, Affidavits, church docs, photos, etc.). Name-change documents if applicable: Although not necessary to change to new married name, if you have I.D. in that new name (driver's license, etc.) include copies of those as well.

I-485 (\$1,070.00 fee) Made out to: "U.S. Department of Homeland Security (USCIS)"

(two photos of applicant)

Applicant's Foreign Birth Cert. with certified translation

I-864 --- Affidavit of Support made out by petitioner, as well as a second I-864 if there is a JOINT sponsor, and Supplements if needed, and all documentation / evidence per instructions (find under Forms on website)

I-693 --- Report of Medical Examination and Vaccination Record (find this under FORMS on the website)

Copies of passport, visa, I-94 (if available), Form I-20 or DS-2019

G-325A copies for both

I-765: (NO FEE required when filing concurrently with I-485 or after)

(two photos of applicant)

Copies of passport, visa, I-94 (if available), Form I-20 or DS-2019

Include copies of the marriage registration and spouse's U.S. citizenship docs, just to be safe.

I-131: (NO FEE if filed concurrently with I-485 Adjustment)

(two photos of applicant)

Only needed if traveling and returning during period waiting for adjustment of status

I.D. / Passport; Documentation of present status (visa, I-94 (if available), I-20 or DS-2019, USCIS notices, etc.)

A brief explanation of circumstances / travel plans can be included

For joint filings: All the applications / petition should be filed together at:
USCIS Chicago Lockbox, P.O. box 805887, Chicago, IL. 60680-4120

USCIS will contact you regarding appearing for biometrics and then interview.

***Please BRING YOUR PERMANENT RESIDENT CARD INTO ISS OFFICE FOR COPIES WHEN RECEIVED !**