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Navigating the Adjustment of Status Process A Comprehensive Guide to Forms, Requirements, and Examples

The Adjustment of Status (AOS) is the process to apply for lawful permanent resident status (also known as applying for a Green Card) when you are present in the United States.

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Adjustment of Status (AOS) is the process through which a foreign national can obtain permanent residency (a green card) while physically present in the United States. The

AOS process is complex and can be overwhelming, especially for individuals who are not familiar with the US immigration system.

This book, "Navigating the Adjustment of Status Process: A Comprehensive Guide to Forms, Requirements, and Examples" aims to provide a detailed guide to help applicants navigate the AOS process with ease. This guide will cover each step of the AOS process in detail and provide examples of completed forms and required documents.

In this book, you will find information on the eligibility requirements for AOS, the different forms needed for AOS, and how to properly complete each form. We will also discuss the fees and fee waiver options for AOS, obtaining employment authorization and advance parole, and the differences between consular processing and AOS.

We will also delve into common issues and Request for Evidence (RFE) that applicants may encounter during the AOS process, and how to prepare for the AOS interview. Additionally, we will provide tips for a successful interview, and discuss what happens if an applicant's AOS application is denied and the appeal options available.

Finally, we will provide specific guidance on adjustment of status for family-based petitions, employment-based petitions, and diversity visa lottery winners.

By the end of this guide, you will have a comprehensive understanding of the AOS process and be well-equipped to navigate the process with confidence.

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Chapter 1: Introduction to Adjustment of Status

Adjustment of Status is a process that allows certain foreign nationals who are physically present in the United States to apply for lawful permanent resident status (a green card) without having to leave the country. This is a highly sought-after process because it allows individuals to remain in the US while their application is being processed, rather than having to return to their home country for consular processing.

There are several benefits to the Adjustment of Status process, including the ability to apply for work authorization and travel documents while the application is being

processed. Additionally, once an individual's AOS application is approved, they can apply for a Social Security Number and work legally in the US.

However, not all foreign nationals are eligible for AOS. Eligibility requirements can vary depending on the category under which the individual is applying. In the following chapters, we will discuss the eligibility requirements for AOS in more detail.

The AOS process can be complex, and it is important to have a solid understanding of the requirements and procedures before beginning the process. This guide will provide detailed information on each step of the AOS process and provide examples of completed forms and required documents.

Whether you are applying for AOS through a family-based petition, employment-based petition, or diversity visa lottery, this guide will provide you with the knowledge and tools you need to successfully navigate the process.

One of the key advantages of the Adjustment of Status process is that it allows individuals to remain in the US while their application is being processed. This means that they can continue to live, work, and study in the US without the need for a visa. Additionally, they can travel outside the US while their application is being processed by obtaining an Advance Parole document.

It's important to note that while an individual's AOS application is pending, they must maintain their lawful status in the US. This means that if their current visa or status expires while their application is pending, they may not be able to continue to remain in the US. Therefore, it is important to carefully plan the timing of the AOS application to ensure that the individual can maintain lawful status throughout the process.

In the next chapter, we will discuss the eligibility requirements for Adjustment of Status in more detail, including the different categories of eligibility and the specific requirements for each category.

Chapter 2: Eligibility Requirements for Adjustment of Status

To be eligible for Adjustment of Status, an individual must meet certain requirements. The eligibility requirements vary depending on the category of eligibility. In this chapter, we will discuss the different categories of eligibility and the specific requirements for each category.

Family-Based Categories

If an individual is applying for Adjustment of Status based on a family-based category, they must be the immediate relative of a US citizen or the family member of a US citizen or lawful permanent resident. The following family-based categories are eligible for Adjustment of Status:

- Spouse of a US citizen
- Unmarried child under the age of 21 of a US citizen
- Parent of a US citizen who is at least 21 years old
- Spouse of a lawful permanent resident
- Unmarried child under the age of 21 of a lawful permanent resident
- Unmarried son or daughter of a lawful permanent resident who is 21 years old or older

Employment-Based Categories

If an individual is applying for Adjustment of Status based on an employment-based category, they must have an approved employment-based immigrant petition. The following employment-based categories are eligible for Adjustment of Status:

- EB-1: Priority Workers
- EB-2: Professionals with Advanced Degrees or Exceptional Ability

- EB-3: Skilled Workers, Professionals, and Other Workers
- EB-4: Special Immigrants
- EB-5: Immigrant Investors

Diversity Visa Lottery Winners

If an individual is applying for Adjustment of Status as a Diversity Visa Lottery winner, they must have been selected in the annual Diversity Visa Lottery and meet all the eligibility requirements.

Refugees and Asylees

If an individual is applying for Adjustment of Status as a refugee or asylee, they must have been granted refugee or asylum status in the US and meet all the eligibility requirements.

In addition to meeting the eligibility requirements for the specific category of eligibility, an individual must also meet certain general eligibility requirements, including:

- Being physically present in the US
- Having entered the US legally
- Maintaining lawful status in the US while the Adjustment of Status application is pending
- Not having committed any crimes that would make them ineligible for Adjustment of Status

In the next chapter, we will discuss the forms required for Adjustment of Status and the steps involved in the application process.

Chapter 3: Forms and Steps for Adjustment of Status

To apply for Adjustment of Status, an individual must complete several forms and follow a series of steps. In this chapter, we will discuss the forms required and the steps involved in the application process.

Forms Required

The following forms are required for Adjustment of Status:

- Form I-485, Application to Register Permanent Residence or Adjust Status: This is the primary form used to apply for Adjustment of Status. It is used to request a change in status from a non-immigrant to an immigrant, or to adjust from one immigrant category to another.
- Form I-864, Affidavit of Support: This form is used to demonstrate that the applicant has adequate financial support to prevent them from becoming a public charge.
- Form I-765, Application for Employment Authorization: This form is used to request authorization to work in the US while the Adjustment of Status application is being processed.
- Form I-131, Application for Travel Document: This form is used to request an Advance Parole document, which allows an individual to travel outside the US while their Adjustment of Status application is pending.
- Form G-325A, Biographic Information: This form is used to provide biographical information about the applicant.

Steps Involved

The following are the general steps involved in the Adjustment of Status process:

1. Determine eligibility: Determine whether you are eligible for Adjustment of Status based on the eligibility categories and requirements.
2. File the forms: File the necessary forms with the US Citizenship and Immigration Services (USCIS), along with the required supporting documents.

3. Attend biometrics appointment: After the forms are submitted, USCIS will schedule a biometrics appointment for the applicant to provide fingerprints and a photograph.
4. Attend an interview: USCIS may require an interview with the applicant to discuss their application and supporting documents.
5. Wait for a decision: USCIS will review the application and supporting documents and plan on whether to grant or deny the Adjustment of Status application.
6. Receive decision: If the application is approved, the applicant will receive a Permanent Resident Card (also known as a Green Card).

It's important to note that the processing time for Adjustment of Status applications can vary and may take several months to a year or more. Additionally, USCIS may request additional information or evidence during the application process, which can also add to the processing time.

In the next chapter, we will provide examples of common scenarios that may arise during the Adjustment of Status process and how to handle them.

Chapter 4: Examples of Adjustment of Status Scenarios

In this chapter, we will provide some examples of common scenarios that may arise during the Adjustment of Status process and how to handle them.

Scenario 1: Changing Jobs During Adjustment of Status

If an individual changes jobs while their Adjustment of Status application is pending, it is important to inform USCIS of the change. USCIS may require the submission of a new Form I-864, Affidavit of Support, if the new job does not meet the financial requirements for supporting the applicant.

Additionally, if the job change requires the individual to move to a new location, USCIS must be informed of the new address by filing Form AR-11, Change of Address.

Scenario 2: Traveling While Adjustment of Status Application is Pending

If an individual wishes to travel outside the US while their Adjustment of Status application is pending, they must obtain an Advance Parole document by filing Form I-131, Application for Travel Document. Failure to obtain an Advance Parole document can result in the abandonment of the Adjustment of Status application.

Additionally, it is important to note that traveling outside the US may trigger the 3 or 10-year bar from re-entering the US if the individual has been in the US unlawfully for more than 180 days (about 6 months).

Scenario 3: Criminal History

If an individual has a criminal history, it is important to disclose the information on the Adjustment of Status application and provide documentation of any arrests, convictions, or plea agreements. Failure to disclose this information can result in the denial of the Adjustment of Status application.

Additionally, certain criminal convictions can make an individual ineligible for Adjustment of Status, such as convictions for certain crimes of moral turpitude or drug offenses. In these cases, it may be necessary to explore other options for legal status in the US.

Scenario 4: Immigration Status Expires During Adjustment of Status Process

If an individual's immigration status expires while their Adjustment of Status application is pending, they may be in "authorized stay" until USCIS plans on their application. However, it is important to note that if the Adjustment of Status application is denied, the individual may be subject to removal proceedings.

In this situation, it may be advisable to explore other options for legal status in the US or to consider departing the US voluntarily to avoid the risk of removal.

Conclusion

The Adjustment of Status process can be complex and involve various scenarios that may require careful consideration and planning. It's important to consult with an experienced global immigration specialist for guidance and assistance throughout the process.

Chapter 5: The Role of a Global Immigration Specialist in the Adjustment of Status Process

Navigating the Adjustment of Status process can be complex and overwhelming. An experienced global immigration specialist can provide guidance and assistance throughout the process, making sure that the applicant is prepared and that all necessary forms and documentation are submitted correctly and on time.

Here are some of the ways that an immigration Global Immigration Specialist can help with the Adjustment of Status process:

7. **Assessing eligibility:** A Global Immigration Specialist can review the applicant's immigration history, criminal history, and other factors to determine if they are eligible for Adjustment of Status.
8. **Preparing and submitting forms:** A Global Immigration Specialist can assist with preparing and submitting all necessary forms, including the Form I-485, Form I-130, and Form I-864.

9. **Collecting and organizing documentation:** A Global Immigration Specialist can help the applicant collect and organize all necessary documentation, such as birth certificates, marriage certificates, and evidence of financial support.

10. **Responding to requests for evidence:** USCIS may request additional documentation or information during the Adjustment of Status process. A Global Immigration Specialist can help the applicant respond to these requests and ensure that all necessary information is provided.

11. **Preparing the applicant for the interviews:** If USCIS requires an interview, a Global Immigration Specialist can prepare the applicant and ensure that they are well prepared and ready for the interview.

12. **Appealing denials:** If an Adjustment of Status application is denied, a Global Immigration Specialist can assist with filing an appeal or exploring other legal options for staying in the US.

Overall, a Global Immigration Specialist can provide invaluable assistance and guidance throughout the Adjustment of Status process, ensuring that the applicant's case is handled correctly and giving them the best chance of success.

Conclusion

The Adjustment of Status process can be complex and require careful attention to detail. An experienced global immigration specialist can provide invaluable assistance and guidance throughout the process, making sure that the applicant is prepared and that all necessary forms and documentation are submitted correctly and on time.

Chapter 6: The Adjustment of Status Interview Process

The Adjustment of Status interview is a critical step in the process of obtaining lawful permanent residence in the United States. Here's what you need to know:

13.What is the Adjustment of Status interview?

- a. The interview is a meeting between you and an immigration officer to review your application for Adjustment of Status. During the interview, the officer will ask you questions about your background, your relationship with your spouse (if applicable), and your eligibility for permanent residence.

14.What documents should you bring to the interview?

- b. You should bring all the documents that were submitted with your Adjustment of Status application, as well as any additional documents requested by USCIS. This may include your passport, birth certificate, marriage certificate, and evidence of financial support.

15.How should you prepare for the interview?

- c. You should review your application and supporting documents before the interview to refresh your memory. You should also be prepared to answer questions about your relationship with your spouse (if applicable) and any other questions related to your eligibility for permanent residence.

16.What happens during the interview?

- d. The interview will typically last between 30 minutes to an hour. The officer will review your application and supporting documents and ask you questions about your background, your relationship with your spouse (if applicable), and your eligibility for permanent residence. The officer may also ask you to provide additional evidence or clarify information in your application.

17.What are some common reasons for denial?

- e. There are several reasons why an Adjustment of Status application may be denied, including criminal history, fraud or misrepresentation, failure to meet the eligibility requirements, or failure to provide sufficient evidence to support the application.

18.What should you do if your application is denied?

- f. If your application is denied, you may have the option to appeal the decision or file a motion to reopen or reconsider the decision. It's important to consult with an experienced global immigration specialist to determine the best course of action.

Conclusion

The Adjustment of Status interview is a critical step in the process of obtaining lawful permanent residence in the United States. It's important to prepare for the interview by reviewing your application and supporting documents, being prepared to answer questions, and bringing all requested documents to the interview. In the next chapter, we will provide an overview of the Adjustment of Status approval process.

Chapter 7: The Adjustment of Status Approval Process

After your Adjustment of Status interview, you will receive a decision from USCIS regarding your application. Here's what you need to know about the approval process:

19. How long does it take to receive a decision? The processing time for Adjustment of Status applications can vary, but typically it takes several months to receive a decision after the interview.
20. What happens if your application is approved? If your application is approved, you will receive a notice of approval and your green card will be mailed to you within a few weeks. Once you receive your green card, you will have lawful permanent residence in the United States.
21. What happens if your application is denied? If your application is denied, you may have the option to appeal the decision or file a motion to reopen or reconsider the decision. It's important to consult with an experienced global immigration specialist to determine the best course of action.
22. What should you do if you need to travel while your application is pending? If you need to travel outside of the United States while your Adjustment of Status application is pending, you should apply for an advance parole document. This document will allow you to re-enter the United States without abandoning your Adjustment of Status application.

23. What happens if you get married or divorced while your application is pending?
If you get married or divorced while your Adjustment of Status application is pending, you should notify USCIS immediately. Depending on the timing of the marriage or divorce, your application may be affected, and you may need to submit additional documentation or even start a new application.

Conclusion

The Adjustment of Status approval process can take several months, but once your application is approved, you will have lawful permanent residence in the United States. If your application is denied, you may have the option to appeal or file a motion to reopen or reconsider the decision. It's important to consult with an experienced global immigration specialist if you have any questions or concerns about the process.

Chapter 8: Common Issues and Challenges

Even with proper preparation, there can be challenges and issues that arise during the Adjustment of Status process. Here are some common issues to be aware of:

24. **Request for Evidence (RFE):** USCIS may issue an RFE if they require additional information or documentation to plan on your application. It's important to respond to an RFE in a timely manner to avoid delays or denial of your application.
25. **Criminal History:** If you have a criminal history, even a minor offense, it can affect your Adjustment of Status application. It's important to disclose any criminal history and consult with an experienced global immigration specialist to determine how it may impact your application.
26. **Inadmissibility:** Certain factors, such as a prior immigration violation, a history of visa fraud, or a communicable disease, can make you inadmissible to the United States. If you are deemed inadmissible, you may need to file for a waiver or seek other options.

27. **Limited Availability of Visas:** Each year, there is a limited number of visas available for certain categories, such as employment-based and family-based visas. This can lead to longer wait times for a decision on your application.

28. **Processing Delays:** USCIS processing times can vary, and delays can occur due to various reasons, such as an increase in applications or staffing shortages.

Conclusion

The Adjustment of Status process can come with its fair share of challenges and issues. It's important to stay informed and prepared and consult with an experienced global immigration specialist if you have any questions or concerns. With the right guidance and preparation, you can navigate the process and achieve your goal of obtaining lawful permanent residence in the United States.

Chapter 9: Tips for a Successful Adjustment of Status Application

To increase your chances of a successful Adjustment of Status application, here are some tips to keep in mind:

29. **Seek Professional Assistance:** An experienced global immigration specialist can help you understand the requirements and guide you through the application process. They can also help you anticipate and address any issues or concerns that may arise.

30. **Be Organized:** Keep all documentation organized and easily accessible, and make sure to submit complete and accurate forms and supporting evidence.

31. **Be Timely:** Submit your application and supporting documents as soon as possible to avoid delays and increase your chances of a timely decision.

32. **Be Honest:** Disclose all relevant information, even if you think it may be a negative factor. Failing to disclose information can lead to denial of your application or even more serious consequences.

33. **Be Patient:** The Adjustment of Status process can take several months or even years, depending on various factors. Be patient and continue to monitor the status of your application.

34. **Be Responsive:** If USCIS requests additional information or documentation, respond in a timely manner to avoid delays or denial of your application.

35. **Attend Interviews:** If required, attend all interviews scheduled by USCIS and come prepared with all necessary documentation.

By following these tips, you can increase your chances of a successful Adjustment of Status application and achieve your goal of obtaining lawful permanent residence in the United States.

Chapter 10: Common Reasons for Adjustment of Status Application Denial

While many Adjustments of Status applications are approved, there are also instances where applications are denied. Here are some common reasons why an Adjustment of Status application may be denied:

36. **Ineligibility:** If the applicant is not eligible for Adjustment of Status, such as if they are not maintaining lawful status or are inadmissible due to a criminal record or health condition.
37. **Failure to Meet Requirements:** If the applicant does not meet all the requirements for Adjustment of Status, such as failing to provide sufficient documentation or evidence.
38. **Fraud:** If USCIS determines that the application contains fraudulent information or evidence.
39. **Prior Immigration Violations:** If the applicant has a history of immigration violations, such as overstaying a visa or being unlawfully present in the United States.
40. **Public Charge:** If the applicant is deemed likely to become a public charge and is therefore inadmissible.
41. **Criminal Record:** If the applicant has a criminal record that makes them inadmissible.
42. **Immigration Status Change:** If the applicant's immigration status has changed since submitting the Adjustment of Status application, such as if they have departed the United States.

If your Adjustment of Status application is denied, you may have the opportunity to appeal the decision or submit a new application with additional evidence or documentation. It is important to consult with an experienced global immigration specialist to determine the best course of action.

Chapter 11: How to Appeal a Denied Adjustment of Status Application

If your Adjustment of Status application is denied, you may have the opportunity to appeal the decision. The appeal process can be complex, so it is important to seek the assistance of an experienced global immigration specialist.

Here are the steps you may need to take to appeal a denied Adjustment of Status application:

43. **Review the Denial Notice:** The denial notice should include the reasons why your application was denied. Review this carefully to understand the grounds for the denial.
44. **Determine the Appropriate Course of Action:** Depending on the reason for the denial, you may be able to submit a motion to reconsider or reopen the application or file an appeal with the Administrative Appeals Office (AAO) or Board of Immigration Appeals (BIA).
45. **Prepare and Submit the Appeal:** If you choose to file an appeal, you will need to prepare and submit a written brief outlining the reasons why the denial was improper. This brief must be supported by evidence and legal arguments.
46. **Attend the Hearing:** In some cases, you may be required to attend a hearing to present your case in front of an immigration judge. This will give you the opportunity to explain why your application should be approved.

47. Await the Decision: The AAO or BIA will review your appeal and issue a decision. If the appeal is successful, your application will be approved. If not, you may have additional options for pursuing your case.

Appealing a denied Adjustment of Status application can be a challenging process, but with the help of an experienced global immigration specialist, you can increase your chances of success. It is important to act quickly, as there are deadlines for submitting an appeal.

Chapter 12: Alternatives to Adjustment of Status

If you are not eligible for Adjustment of Status, there may be other options available to you. Here are some alternatives to consider:

48. Consular Processing: If you are not in the United States or are ineligible for Adjustment of Status, you may be able to apply for an immigrant visa through consular processing. This process involves applying for a visa at a U.S. embassy or consulate in your home country.

49. Waivers: If you are deemed inadmissible to the United States, you may be able to apply for a waiver. There are several types of waivers available, including waivers for unlawful presence, criminal activity, and medical issues.

50. U Visa: If you have been a victim of a qualifying crime and have cooperated with law enforcement, you may be eligible for a U visa. This visa allows you to remain in the United States and eventually apply for a green card.

51. VAWA: If you have been the victim of domestic violence at the hands of a U.S. citizen or permanent resident spouse or parent, you may be eligible for relief under the Violence Against Women Act (VAWA). This allows you to self-petition for a green card without the need for the abuser's involvement.

52.**DACA:** If you arrived in the United States as a child and meet certain criteria, you may be eligible for Deferred Action for Childhood Arrivals (DACA). This allows you to remain in the United States and obtain a work permit.

53.**TPS:** If your home country is experiencing conflict or natural disasters, you may be eligible for Temporary Protected Status (TPS). This allows you to remain in the United States and obtain a work permit.

54.**Asylum:** If you fear persecution in your home country based on your race, religion, nationality, political opinion, or membership in a particular social group, you may be eligible for asylum in the United States.

It is important to consult with an experienced global immigration specialist to determine the best option for your circumstances. Each alternative has its own set of eligibility requirements and procedures, and a global immigration specialist can help guide you through the process.

Chapter 13: Common Mistakes to Avoid in the Adjustment of Status Process

The Adjustment of Status process can be complex and lengthy, and there are many common mistakes that applicants make that can delay or even result in the denial of their application. Here are some common mistakes to avoid:

55. **Failing to provide all required documentation:** The USCIS requires a significant amount of documentation to support your Adjustment of Status application. Failing to provide all the required documentation or submitting incomplete or inaccurate forms can result in a denial of your application.
56. **Failing to attend biometrics appointments:** As part of the Adjustment of Status process, you will be required to attend biometrics appointments to provide your fingerprints, photographs, and signature. Failing to attend these appointments can result in a denial of your application.
57. **Failing to attend the Adjustment of Status interview:** If you are required to attend an Adjustment of Status interview, failing to attend can result in a denial of your application.
58. **Failing to disclose prior immigration violations:** It is important to disclose any prior immigration violations, such as overstaying a visa or entering the country illegally. Failure to disclose this information can result in a denial of your application for Adjustment of Status.
59. **Failing to disclose criminal history:** Any criminal history, including arrests and convictions, must be disclosed as part of the Adjustment of Status process. Failure to disclose this information can result in a denial of your application.
60. **Failing to maintain legal status:** If you are in the United States on a nonimmigrant visa, it is important to maintain your legal status. Failing to do so can result in a denial of your application for Adjustment of Status.

61. Failing to timely file for Adjustment of Status: There are strict deadlines for filing for Adjustment of Status. Failing to file within the specified timeframe can result in a denial of your application.

It is important to work with an experienced global immigration specialist to ensure that you avoid these common mistakes and successfully navigate the Adjustment of Status process.

A Global Immigration Specialist can help you gather the necessary documentation, prepare for biometrics appointments and interviews, and ensure that all information is accurately disclosed in your application.

Conclusion

The Adjustment of Status process can be complex and lengthy, but with proper preparation and guidance, it can be a successful path to obtaining lawful permanent resident status in the United States.

It is important to carefully review the requirements and eligibility criteria before beginning the process and to work with an experienced global immigration specialist to ensure that your application is properly prepared and submitted.

Throughout this book, we have covered the basic steps of the Adjustment of Status process, including eligibility requirements, required forms and documents, biometrics appointments, and interviews.

We have also discussed common mistakes to avoid, such as failing to provide all required documentation, attending appointments and interviews, disclosing prior immigration violations or criminal history, and maintaining legal status.

We hope that this book has provided you with valuable information and guidance as you navigate the Adjustment of Status process.

Remember that every case is unique, and it is important to seek personalized legal advice from an experienced global immigration specialist to ensure that your application is properly prepared and submitted.

We wish you the best of luck in your Adjustment of Status journey and hope that you can successfully obtain your lawful permanent resident status in the United States.

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