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.ailla.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.