



(General Instructions for Personal “Adjustment of Status” I-485 Applications

**This document does not constitute legal advice.
If you wish to receive legal advice concerning your I-485 Adjustment of Status
Application, please consult with an immigration attorney.**

This document provides general information on how an eligible international employee can file a personal application for a U.S. permanent resident card – better known as a “green card”.

FILING OPTIONS

When considering the final step in the green card process, and specifically your personal application for the green card, an international employee has two options.

1. Consular Processing: You wait for an appointment at a U.S. Embassy abroad (usually in your home country), and apply for the green card or “immigrant visa” outside the U.S.
2. Adjustment of Status: the employee files an I-485 application form in order to apply to change his or her status from non-immigrant to immigrant. This application is filed from within the U.S.

You should consult with an immigration attorney to find out which process is better for your situation. Most employees choose to file the I-485 application from within the U.S. This information sheet refers to the Adjustment of Status process from within the United States.

IS I-485 packet assembly:

If you decide to file your I-485 application, the Immigration Services (IS) office can complete the forms for you, and assemble the packet so it is ready for you to file. The internal IS fee for this service is \$520. per packet and is payable to IS by the department or the employee. If you have a spouse and a child filing as well, the total cost would be $\$530 \times 3 = \$1,590$. This fee must be paid by personal credit card through the UGA credit card acceptance site:

https://estore.uga.edu/C27063_ustores/web/store_main.jsp?STOREID=215

If you choose this option you do not need to review the rest of this document. We will assemble the case for you. Please contact our office at 706 542-2900 if you wish us to assist you with the I-485 filing.

ELIGIBILITY TO FILE THE I-485

There are generally two or three steps in the green card process. The first step involved a Department of Labor certification. For some cases, this step can be avoided. The second step is an employer petition to the government, called an I-140 petition. The third step is the employee’s personal application for the green card – called an I-485, or “adjustment of status” application.



Within an employment-based sponsorship category (commonly used at UGA for long-term or permanent hires), this third step is the final stage in the process to achieve U.S. permanent resident status. In order to be **eligible** to file the I-485 application, you must:

1. Have an approved or pending I-140 employer petition
2. Have a current priority date based on the monthly U.S. State Department Visa Bulletin (see Priority Date section below)

DESCRIPTION OF THE I-485 “PACKET”

The packet consists of 6 forms and numerous supplemental evidentiary documents:

1. I-485: Adjustment of Status application form (REQUIRED)
2. I-485 Supplement J form (REQUIRED if you are NOT filing your 485 concurrently with our I-140)
3. I-765: Application for Employment Authorization (EAD card) (NOT REQUIRED)
4. I-131: application for Advanced Parole (travel permission) (NOT REQUIRED)
5. G-1145 form: This gives USCIS your email or mobile phone #, so they can notify you as your case progresses. (NOT REQUIRED)

More information on each of these forms and required documents is below.

DEPENDENTS:

If the international employee has a spouse or dependent children, each family member will have to file their own I-485 packet. The cost for the spouse and for each child over the age of 14 is \$1,225. each. Children under the age of 13 are not required to have biometrics done, so their fee is \$750.

CONCURRENT FILING INFORMATION

Applicants for permanent residency **may** be eligible to submit an I485 application “concurrently” with the employer’s I-140 petition. At UGA, IS will prepare the I-140 application – while the employee and/or the employee’s attorney may prepare and assemble the I-485 Adjustment of Status (I-485 form) “packet”. The ability to file the I-485 concurrently with our I-140 petition depends on the availability of a visa number based on priority dates (see section below). Once the employee submits the prepared I-485 “bundled application” forms and evidence to the IS Office, the office will then submit the “concurrent” applications together. Due to legal liability, IS cannot offer legal advice on the I-485 adjustment of status application, as this is considered a personal application, and not an application made by the institution (UGA).

PRIORITY DATES

International employees with pending or approved I-140 applications are not eligible to file I-485 Adjustment of Status applications until their priority date has been reached. The priority date is determined in one of two ways, either the date the PERM application (labor certification) was submitted to the Department of Labor, or the date the Outstanding Professor/Researcher application was/will be received by USCIS-Texas Service Center.



Once reached, the current priority date means that an immigrant visa is available. To check on visa availability applicants will need to know two things, 1) The category under which they are filing and 2) their priority date. IS can give you this information. For the relevant visa category consult the list below.

- 1st Preference- Individuals approved as Outstanding Professors/Researchers.
- 2nd Preference- Individuals approved Labor Certification based on Master's or Ph.D.
- 3rd Preference- Individuals approved Labor Certification based on a Bachelor's Degree.

VISA AVAILABILITY

The US Department of State (DOS) is responsible for managing the visa numbers available for permanent residency. This information is available on their web site at http://travel.state.gov/visa/bulletin/bulletin_1360.html . The information is updated on the 15th day of each month for the upcoming month.

It can be complicated to figure out the charts. Please contact your immigration advisor if you have questions about whether your priority date has been reached.

FILING FEE

The check for the filing fee should be made payable to “the Department of Homeland Security” for \$1,225.00. If you have dependents filing, each I-485 packet must have a separate filing fee check.

- I-485 Fee: Applicants **over 13—\$1,140.00** check payable to **U.S. Department of Homeland Security**. This fee covers the I-485, the I-765, the I-131 applications
- I-485 Fee: Applicants 13 or under —filing with parent - **\$750.00** check payable to **U.S. Department of Homeland Security**. This fee covers all three forms, but no biometrics is required.
- Biometrics fee: Applies to applicants between 14 and 79 years of age: **\$85**.
- **You may combine the fees into one check per applicant: \$1,225 if biometrics are required.**

Be sure the separate checks are placed on the top of each separate I-485 packet. They may be stapled to the top page, or securely paper-clipped.

ADDRESS CHANGES:

If you move or change addresses after filing the I-485, you are required to notify the Department of Homeland Security. You can do this two ways:

- 1) Online, at: <http://www.uscis.gov/addresschange>
- 2) Call the help line: 1-800-375-5283

Please also notify our office.



USCIS I-485 PACKET - FORMS

The Adjustment application is a series of “bundled” forms: I-485, Supplement J; I-131, I-765, G1145. All forms required for permanent residency can be found at <http://www.uscis.gov/>. Click on the “Immigration Forms” link and they are listed in numerical order.

1. Form I-485: Application for Permanent Residency

(Application to Register Permanent Residence or Adjust Status.)

- One form must be filed for each person who is applying to adjust status.
- **The I-485 form can be found online:** <http://www.uscis.gov/i-485>

The most recent I-485 form is dated 6/26/2017 in the lower left-hand corner. Make sure you are only completing this current version of the form.

You will need to include the following supplemental immigration and biographic document copies with the I-485 packet. Black and white copies are fine – as long as they are legible. Separate each section with a plain colored piece of paper. **Do not staple or paperclip each section!**

Employment Confirmation Documents:

- **I-140 approval notice** copy (you should have received a copy from IS by email) **OR**
- **I-140 receipt notice** copy, if you are concurrently filing after we have filed our I-140 petition but **before** it is approved
- **NOTE:** If you are concurrently filing your I-485 application with our employer I-140 petition, you will not have either of the above notices.
- **Employment confirmation letter:** This is a brief letter on UGA letterhead from your department chair confirming your employment, job title, date of hire, and salary at UGA. It should indicate on-going and permanent employment. Contact your immigration advisor for a template.
- **Copies of three months’ of recent UGA paycheck stubs**

Immigration Document Copies:

- **Birth certificate, and translation of the certificate to English.** If needed, also a translation certification form the translator.
- **Passport-** Make photocopies of the passport ID page, any and all renewal pages, and any page that shows an entry or exit stamp.
- **I-94 card copy, or print out sheet from www.cbp.gov/i94 website**
- **H-1B employees** – Copies of **all** current and previous H approval notices (Form I-797)
- **F-1 students - I-20’s** – Copies of all I-20 form’s that have ever been issued to you
- **J-1 exchange visitors -DS-2019 or IAP-66 forms.** If you have **EVER** been in J status, provide copies of all forms issued to you.



- **212(e) waiver approval notice** – Only if you were previously or currently a J-1 or J-2 who is / was subject to the two-year home-residency requirement (212.e). You will need to provide a copy of your **WAIVER APPROVAL** of the two year home residency requirement **OR** provide proof that you have completed working in your home country for the required two years.
- **EAD temporary work card copies**- If you have engaged in F-1 OPT or J-2 employment

Educational Credentials:

- **Degree certificate** copy, with a translation to English if necessary
- **Educational evaluation**, if the degree is from an institution in another country.
- **CV**

Dependent Documentation

- **Marriage Certificate**- Required if married and including spouse with your application. Must have a certified translation of the copy if the marriage certificate is not in English.
- **Birth Certificate** – Required for each dependent, along with a translation to English
- If you were previously married and divorced, or your former spouse is deceased, you will need to include a copy of the divorce decree or death certificate.
- **Immigration status documents** – Required for each dependent. These should include all immigration documentation issued for each dependent.

You should also include a signed letter (template available) including a statement to that says the photocopies that states:

“I am providing with the application true and exact copies of documents as taken from the original documents. If USCIS-Texas Service Center needs to see the original documents, I can provide those as needed.”

The employee’s supplemental documents should include copies of the marriage certificate, and each dependent’s birth certificate, passport, and current immigration status documents.

The dependent’s I-485 packets should also each include a copy of the approved I-140, unless filing concurrently with the I-140, and all the immigration documents for the international employee.

2. Supplement J: Confirmation of Bona Fide Job Offer

This form is needed if you are **NOT** filing concurrently, in order to prove your employment. The form can be downloaded here: <https://www.uscis.gov/i-485supj>. You will need to complete your sections of the form, and then send the fillable pdf form to our office so we can complete and sign the employer sections.

3. Form I-765: Employment Authorization Application



This form can be downloaded here: <https://www.uscis.gov/i-765>

If you have a current and valid H-1B work visa status, or other valid work visa status, you do not need to file the I-765 form – it is NOT required. It may however be useful to you. All applicants over 14 are eligible to apply for employment authorization to use while their permanent residency application is being processed. Someone who is moving from a visa category to that of a permanent resident is considered an “adjustment applicant”.

When completing the I-765 form, in item #16, indicate eligibility code (c) (9) which is the code for adjustment applicant.

The following supplemental documents must be attached to the I-765 application:

Immigration Document Copies:

- **I-140 approval or receipt notice**, if NOT filing concurrently
- **Birth certificate, and translation of the certificate to English.** If needed, also a translation certification form from the translator.
- **Passport-** Make photocopies of the passport ID page, any and all renewal pages, and any page that shows an entry or exit stamp.
- **I-94 card copy, or print out sheet from www.cbp.gov/i94 website**
- **H-1B employees** – Copies of **all** H approval notices (Form I-797)
- **F-1 students - I-20's** – Copies of all I-20's that have ever been issued to you
- **J-1 exchange visitors -DS-2019 or IAP-66-** If you have **EVER** been in J status, provide copies of all forms issued to you.
- **212(e) waiver approval notice** – Only if you were previously or currently a J-1 or J-2 who is / was subject to the two-year home-residency requirement (212.e). You will need to provide a copy of your **WAIVER APPROVAL** of the two year home residency requirement **OR** provide proof that you have completed working in your home country for the required two years.

The employment authorization card (EAD) should be renewed each year until the green card is approved and received. It is advisable to file for the extension **3 months PRIOR** to the expiration date shown on the card. The employment authorization is “date specific”, which means unless the employee has an underlying valid work visa status, such as an H-1B, work may not continue beyond the end date shown on the card. You may apply to renew the card up to four months before it expires. Failure to renew the card on time could result in being unable to work after the expiration date until the new card is received.

For H-1B status holders, use of the EAD work card for employment outside of UGA will nullify the underlying H-1B work status. Please contact IS if you have questions about this.



4. Advance Parole Travel Document - Form I-131

This form can be downloaded here: <http://www.uscis.gov/i-131>.

Approval of this form allows travel outside of the U.S., and return to the U.S. without a valid visa, while waiting for the “green card” to be approved. Please DO NOT travel outside the U.S. until you have this approved travel document in hand. It can take 3 to 5 months to receive the approval.

If you hold a valid H-1B visa, you do not need the Advance Parole travel document – you can travel on your valid H-1B visa.

The following supplemental documents must be attached to the I-131 application:

- **I-140 approval or receipt notice**, if NOT filing concurrently
- **Birth certificate, and translation of the certificate to English.** If needed, also a translation certification form the translator.
- **Passport-** Make photocopies of the passport ID page, any and all renewal pages, and any page that shows an entry or exit stamp.
- **I-94 card copy, or print out sheet from www.cbp.gov/i94 website**
- **H-1B employees** – Copies of **all** H approval notices (Form I-797)
- **F-1 students - I-20's** – Copies of all I-20's that have ever been issued to you
- **J-1 exchange visitors -DS-2019 or IAP-66-** If you have **EVER** been in J status, provide copies of all forms issued to you.
- **212(e) waiver approval notice** – Only if you were previously or currently a J-1 or J-2 who is / was subject to the two-year home-residency requirement (212.e). You will need to provide a copy of your **WAIVER APPROVAL** of the two year home residency requirement **OR** provide proof that you have completed working in your home country for the required two years.
- A statement such as the following, on a separate piece of paper:

“I am eligible to apply for an advance parole document based on my approved or pending I-140 application, and the accompanying I-485 application. I have travel plans within the next year and may need to use the advance parole document to re-enter the U.S.”

Usually the employment card and the travel document are issued as one card. If they are approved together the card will have a notation on the bottom that indicates it is to be used for advance parole.

5. G-1145 form

This form simply gives USCIS your email address and phone number, so that they can directly notify you as your application progresses.



You can download this form here: <http://www.uscis.gov/g-1145>

Please contact an immigration attorney if you have questions about traveling while the I-485 application is pending.

PHOTOGRAPHS

- USCIS photo specifications can be found here:
 - <https://www.pace.edu/sites/default/files/files/iss/forms-handouts/OPT-photo-requirements.pdf>
 - Examples can be found here:
<https://travel.state.gov/content/passports/en/passports/photos.html>
 - 6 photos required for each applicant over 14 (2 for each of the following applications: I-485, I-765, I-131)
- 4 photos required for applicants under 14

Lightly print your name and A # (if you have one) on the back of each photo, using a pencil. Place the photos in a plain small envelope. Write your name on the envelope, and paperclip the envelope to the top of your packet.

Photographs required with your permanent resident applications may be taken at Kinkos, the Post Office, or the Tate Center. The photos should be taken no more than **30 days** before filing your application, and must follow the guidelines on the sample provided.

Medical Examination- FORM I-693

The form can be downloaded here: <http://www.uscis.gov/sites/default/files/files/form/i-693.pdf>

The instructions can be downloaded here: <http://www.uscis.gov/sites/default/files/files/form/i-693instr.pdf>

The international employee only completes Part 1 of this form. The USCIS Civil Surgeon will complete the rest of it when you have your medical exam. This is required for all permanent resident applications regardless of age. This exam should be conducted no more than **30 days** prior to filing for adjustment of status by a USCIS authorized physician.

To locate a civil surgeon physician go to the USCIS website, search for Civil Surgeons and then pull up the state of Georgia. The list of civil surgeons in Georgia is on this website: https://egov.uscis.gov/crisgwi/go?action=offices.summary&OfficeLocator.office_type=CIV&OfficeLocator.statecode=GA

At the time an appointment is scheduled make sure to ask the cost of the examination and if this includes the x-ray fee and the fee for blood work. The doctor will complete Form I-693 and the medical report will be given to you in a **SEALED** envelope. **DO NOT OPEN THE ENVELOPE**, it must be submitted without the seal being broken.



If possible take a record of vaccinations with you to the appointment, and if available, any records of childhood immunizations. Recent changes to United States immigration law now require immigrant visa applicants to obtain certain vaccinations (listed below) prior to the issuance of an immigrant visa. Panel Physicians who conduct medical examinations on behalf of immigrant visa applicants are now required to verify that the applicant has met the new vaccination requirement, or that it is medically inappropriate for the applicant to receive one or more of the listed vaccinations.

If you need to get some immunizations, you can contact the Clarke County Department of Health in Athens:

Clarke County Dept. of Health
345 North Harris Street
Athens, GA, 30601
706 389-6921 or 6853

PACKET ASSEMBLY – Principal Employee:

Do not staple or paperclip the papers together. Separate form types with a light green plain piece of paper instead of paperclips. Clip the whole packet together with a binder clip, or large elastic bands.

The I-485 packet should be assembled in the following order top to bottom:

1. Filing Fee Check (staple to bottom left side of G-1145 form, or top page of I-485 form if you are not filing the G-1145)
2. 2 Photos in envelope (paperclip the envelope to the top of top form. DO NOT paperclip the photos directly to the form – this can damage the photos and cause a rejection of your case.)
3. G-1145 form
Green paper
4. I-485 form
5. Supplement J form
6. G-325A form
Green paper
7. Employment Certification Documents (see above for list)
Green paper
8. Educational Credentials Documentation (see above for list)
Green paper
6. Immigration Document Copies
7. Green paper

If dependents are filing as well:

9. Marriage certificate and translation to English
10. Immigration Documents for each dependent



Green paper

11. I-765 form
12. Green paper
13. I-765 supplemental document copies (see list above)
Green paper
14. I-131 form
15. Green paper
16. I-131 supplemental document copies (see list above)
17. Document verification letter: “I am providing with the application true and exact copies of documents as taken from the original documents. If USCIS-Texas Service Center needs to see the original documents, I can provide those as needed.”
18. I-693 medical exam (sealed!)

PACKET ASSEMBLY – Dependent Family Member:

Do not staple or paperclip the papers together. Separate form types with a light green plain piece of paper instead of paperclips. Clip the whole packet together with a binder clip, or large elastic bands.

The I-485 packet should be assembled in the following order top to bottom:

1. Filing Fee Check (staple to bottom left side of G-1145 form, or top page of I-485 form if you are not filing the G-1145)
2. 2 Photos in envelope (paperclip the envelope to the top of top form. DO NOT paperclip the photos directly to the form – this can damage the photos and cause a rejection of your case.)
3. G-1145 form
4. Green paper
5. I-485 form
6. Supplement J form
7. Green paper
8. Marriage certificate and translation to English
9. Immigration Document Copies
10. Green paper
11. Immigration document copies for principal employee
12. Green paper
13. I-765 form
14. Green paper
15. I-765 supplemental document copies (see list above)
16. Green paper
17. I-131 form
18. Green paper
19. I-131 supplemental document copies (see list above)



20. Document verification letter: “I am providing with the application true and exact copies of documents as taken from the original documents. If USCIS-Texas Service Center needs to see the original documents, I can provide those as needed.”
21. I-693 medical exam (sealed!)

MAILING INSTRUCTIONS

If you are eligible for concurrent filing (meaning you have reached your priority date), and you choose to file concurrently, please bring your assembled adjustment of status application forms and evidence to IS. We will file them with our employer’s I-140 petition.

If you are **not** filing concurrently, The Department of Homeland Security, USCIS, Texas Service Center, processes all adjustment of status applications for people residing in the state of Georgia.

Express mail and courier deliveries:

USCIS

Attn: AOS

2501 S. State Hwy, 121

Business Suite 400

Lewisville, TX 75067

1-800-375-5283

The phone number above is for the National Call Center and is the only one we have. You may use this number if one is required by the courier company.

TRAVEL WHILE CASE IS PENDING

In general, attorneys will recommend that a person not depart the U.S. while they have a pending case with the U.S. government. A person filing an I-485 application, along with the I-131 and the I-765, must be physically present in the U.S. when the case is filed. He or she must also be physically present in order to go to the fingerprinting (“biometrics”) appointment that usually takes place a month or two after filing. If a person has applied for Advance Parole, he or she should not depart the U.S. until the Advance Parole is approved – usually 3 to 5 months after filing. If the person has filed an Advance Parole application, and he or she departs the U.S., the Advance Parole application will be denied.

If a person has not applied for Advance Parole, and holds a valid H-1B visa status and valid H-1B visa in their passport, then they may travel outside the U.S. and re-enter using the valid H-1B visa, after completing the fingerprinting.

If the applicant is outside the U.S. when the green card is approved, it is best to have someone checking the mail, and able to forward the new green card to the applicant abroad, so it can be used for re-entry to the U.S.



RECEIPTS and BIOMETRICS APPOINTMENT

All receipts for your permanent residency application will be sent directly to your home address. In about 3 to 10 weeks, you will receive a biometric appointment notice to go to the Atlanta Application Support Center to process your fingerprints. The address is: 1255 Collier Rd NW #100, Atlanta, GA 30318

It is critical that you either keep the appointment that was assigned to you **OR** respond to the address on the notice to request a change in your appointment date. If you do not keep your appointment USCIS will assume that you are not interested in pursuing your Permanent Residency and deny your application. There is no predictability on how long it will take for the biometrics (finger prints) to be cleared because this involves a number of agencies. Once you have been cleared your application will be forwarded for final processing. At this point, if the examiner needs any additional information they will contact you with instructions on what they need and the deadline by which you will need to respond along with mailing instructions. You will receive a “welcome” letter in the mail and shortly thereafter the “green card” will arrive in your mailbox.

USCIS INTERVIEW:

Beginning October 1, 2017, USCIS will be requiring in-person interviews for I-485 applicants based on an employment sponsorship. Historically employment based applicants were usually not required to have in-person interviews. If you are required to have an interview, you will be notified by USCIS, by mail, in advance of your application being adjudicated. Be sure you keep your address updated with USCIS, if you move while your application is pending. (See section below on how to update your address).

ADDRESS CHANGES:

This process takes quite a period of time. If you should move it is very important that you change your address in two places. First you must file USCIS form AR 11 and change your address online. <https://www.uscis.gov/ar-11>

We also recommend that you call the NCSC phone information line to change your address: 1-800-375-5283.

CHECKING ON THE PROGRESS OF YOUR CASE

Tracking case progress is an imperfect science. It is possible to do this on the USCIS website, but there is often a delay in the updates of the processing statuses to the website.

You can check on the progress of your application by going to the USCIS Service Center Website: <https://egov.uscis.gov/cris/processTimesDisplayInit.do> At the bottom of the page, click the dropdown list labeled “Service Center”, and select the “Texas Service Center”, and a chart should pop up. The chart is organized by form number, and will show you the date they received the cases that are currently being processed. Look for your form types as appropriate:

I-131- Advanced Parole Travel Document

I-485- Application to Adjust Status



I-765- Application for Work Authorization

You can also enter your specific case number after you receive your notice of receipt. The case number is found on the top left of the notice, and begins with the letters SRC-xx-xxx-xxxxx. Enter this case number on the following website:

<https://egov.uscis.gov/cris/Dashboard.do>

FINALLY....

The last word of advice at this point is to be sure to keep your current non-immigrant status in the U.S. current at all times, until you receive the U.S. permanent resident card. Contact our office at least 6 months in advance of your work visa status expiration date to request an extension.

This information sheet is general in nature, and does not constitute legal advice. Please consult with an immigration attorney if you have questions about these cases.