

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-Idaho International Services is not responsible for your application. Some of these instructions may not apply to you if you live outside of Idaho.

Regulation

An international student who marries a United States citizen automatically becomes a prospective immigrant and is no longer eligible for nonimmigrant benefits such as reentry into the U.S. with an I-20 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 still be in existence and the marriage must not have been entered into for the purpose of conferring permanent residence status on the alien.

Addresses

You must have a valid U.S. address. Immigrations forms and letters will not be forwarded even if you have a forwarding order on file at the post office, they are returned to the 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 can be saved on your PC.
2. Complete all of the forms, including supplemental forms as listed on page two of this handout and mail the entire package to:

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| If sending via U.S. mail: | If sending via Courier (UPS, FedEx, DHL, etc.): |
| U. S. Citizenship and Immigration Services | U. S. Citizenship and Immigration Services |
| P.O. Box 805887 | Attn: FBASI |
| Chicago, IL 60680-4120 | 427 S. LaSalle - 3rd Floor |
| | Chicago, IL 60605-1098 |
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 (Usually Idaho Falls if you live in Southeast Idaho) to complete biometrics and again for the interview with an immigration officer. The complete process may take up to a year or more to complete. However, you should receive your work and travel authorizations in three to four months. If you have an emergency, you can go to the Boise 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.

Required Forms and Supplemental Information

| Form | Description | Additional Information | Fees |
|-----------------------------------|---|---|------------------------|
| I-130 | Petition for Alien Relative | Picture of US Citizen (2 copies) Item 22: Boise, Idaho | \$355 |
| G-325A | Biographical Information Form for U.S. citizen | | None |
| G-325A | Biographical Information Form for alien | | None |
| I-485 | Application to register or adjust status | Picture of alien (4 copies) Check Box "a" in Part 2 | \$930 |
| | Biometrics: You will be sent an appointment letter indicating when and where to go for fingerprints, photo, etc. You must include this \$80 fee with the I-485 filing fee. | | <u>+\$80</u> \$1010 |
| I-864 | <ul style="list-style-type: none"> Affidavit of Support for U.S. citizen including proof of employment Affidavit of Support for Joint Sponsor (if required) including proof of employment Use form I-864P to determine amount of sponsorship required. | <p>Must be completed by the U.S. citizen.</p> <p>If needed, an additional form may be completed by the joint sponsor.</p> <p>W-2 forms, tax returns, employer letters, etc., will be required to document income.</p> | None |
| I-693 | Medical Exam for Alien | Must be completed by civil surgeon (Dr. Miller in the Student Health Center) | None |
| I-765 | Application for work authorization | Item 16: (c) (9) () [Recommended] | None* |
| I-131 | Application for Travel Document | Check "d" in Part 2 (advance parole) [Recommended] | None* |
| Total Minimum USCIS Filing Fees** | | | \$1365 |

Other Required Information

- Current Status Copy I-20 all pages, I-94 front and back
- Passport Copy visa and vita pages
- Proof of Citizenship Copy of birth certificate or passport of U.S. Citizen
- Proof of Marriage Copy of marriage license/certificate
- Birth Certificate of alien Copy and certified translation if needed

Additional Information

- Most international students do not have an A#. Write N/A in the blank if you don't have one.
- Canadian students will not have a visa number, just write "Canadian" in the blank.
- You may also need to supply divorce papers and/or death certificates for U.S. citizens/aliens or prior marriage certificates to indicate name changes.
- Translations of foreign language documents must be certified by a competent translator not a family member.
- The office with jurisdiction over most of Idaho is located in Boise:
USCIS Boise Field Office, 1185 South Vinnell Way, Boise, ID 83709 Tel: 208-685-6600
- The National Call Center for USCIS can be reached at 800-375-5283. (Inquiries, address changes, etc.)

* Fees for the I-765 and I-131 are waived if you paid the I-485 fee after July 30, 2007. If you are filling the I-765 or I-131 without having filled the I-485, you will need to pay the filing fee for the form you are filing.

** This amount does not include costs associated with preparing the application such as medical exams, photos, attorney fees, etc. There may be additional USCIS fees depending on your case.