

I-485: Adjustment of Status to U.S. Permanent Residence Status for Green Card

1. An applicant with a pending green card case, who is in the U.S., should still consult with a competent immigration attorney to apply for or maintain a non-green card work visa even if the U.S. Citizenship and Immigration Services has issued and approved his/her I-765 Application for Employment Authorization (EAD).

2. Choosing the family-based classification (such as an FB-1, FB-2 or FB-3) is crucial to the processing time for the green card case especially for foreign nationals with certain country of birth (not nationality). Some FB green card cases can take more than 25 years to process while other FB green card cases may take 5 or less years to process.

3. Certain family green card sponsorship can take less a year to process.

4. Most family-based (EB) green card cases consist of three stages:
 - a) Stage 1: I-130

 - b) Stage 2: I-485 Applications for Adjustment of Status.
 - i. During this stage, the green card applicant can seek to apply (recommended) for I-131 advance parole and I-765 employment authorization document (EAD).

- Stages 1 and 2 may be filed concurrently or at the same time, depending on criteria.

5. PLEASE NOTE, an applicant with a pending I-485 case must not travel internationally without consulting a competent immigration attorney because:

a) In general (certain exceptions apply), an I-131 advance parole is required before the foreign national with a pending I-485 green card case travels internationally.

b) Moreover, certain green card applicants should not travel internationally even if they have been issued, or may not require an I-131 advance parole, to prevent jeopardizing his/her pending green card case.

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Tiya PLC is a U.S. professional law practice specializing in U.S. immigration law. Ms. Kok and Tiya PLC provide legal representation to foreign nationals, individuals and their families, employers and companies in all stages and aspects of green card and work visa matters.