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Latest Development for Employment Based Immigrants

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Submitted by Chief Editor on Nov 15th 2017

What is the latest development for Employment-Based Immigrants?

ANSWER:

In employment based the last step in the green card process is something called Adjustment of Status (AOS). If you are already in the United States in legal status it is done through the form I-485. Earlier employment-based applicants were hardly interviewed by the USCIS. You file the forms and you get your green card approval and maybe you might get an inquiry or two from the government and ultimately anybody going to the USCIS personally would get the green card approved.

But from this month onwards government has started interviewing all employment based immigrants. So when the adjustment of status starts the employee and his family is expected to appear for the interview. This has made things uncertain. First of all, it has added another few months to the timing process because the file has to be transferred to the local office of the USCIS where the person is located then they have their own backlogs hence few months are added to the overall processing. Some people are concerned as to what does all this mean and the reports so far are that the adjustment of status interview is not really that complicated. It basically goes over the form I-485 and makes sure all information there is correct.

But the worst-case scenario - there are three components to anybody's stay in the United States and I have divided them into your past, your present and your future. These are the three areas of inquiry that government can look at. In worse case scenarios they can look up at your past history of your maintaining statuses. The most important one is, have you been out of status for 180 days or more between when you filed the I-485 and your last travel to the USA. The government can look at the entire history to see if you have any status issues. The present is where you are working and what you do. Your future, they want to make sure that the job is still available and that you intend to take that job.

if you have any concerns regarding I-485, adjustment of status you should bring them up with your lawyers and make sure they are properly addressed.

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FAQ Transcript:

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