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I-485 interview-- does arrest create a problem

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Submitted by Chief Editor on May 6th 2009

ANSWER:

Quote: I just got a letter from USCIS that I need to appear for a I-485 interview. I had applied my green card under the EB-XX. To update you i had an arrest record in 2005 for a domestic violence battery case, which was later dismissed in court. Also you might be aware my wife is currently in india, and we are under separation. She will join me on (XXX date) if she agrees for marriage counseling. Under these circumstances I had some questions which I wanted answers for: Please let me know your response.

Quote: a. What all questions can the officer ask me in the interview?

Ans. No one can reliably predict that. But there is nothing in your background that seems to indicate there will be a problem. You were not convicted. The rules are simple: do not answer what is not being asked, and answer every question truthfully.

Quote: b. My wife is now in our home country. Do i need to have her accompany me?

Ans. Your case is an employment-based case. Unless USCIS specifically asks for her presence (which would be strange), it is not required.

Quote: c. Can the officer ask me for another interview with my wife, if she isn't with me the first time?

Ans. They can, but I do not see why.

Quote: d. What should I say about the DV record?

Ans. The truth and nothing but the truth.

Quote: e. Does the officer approve my green card after the interview or does it take some more time?

Ans. They have the authority to approve on the spot. Whether or not they will is their discretion. Often, the approval comes a few weeks later.

Quote: f. What if the officer asks me about the status of my marriage, what should I say?

Should I say yes we are married or should I say that we are separated?

Ans. Married but separated. You tell the truth.

Quote: g. Does my wife need to be in US when the final green card is approved?

Ans. No. Make sure she has her AP.

Quote: h. What happens if the green card is approved while she is in india?

Ans. She can reenter with her AP.

Unless the context shows otherwise, all answers here were provided by [Rajiv](#) [2] and were compiled and reported by our editorial team from comments and blog on [immigration.com](#) [3]

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