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I was married 9 years ago, getting divorced - EB1

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Submitted by Chief Editor on Oct 15th 2009

I was married 9 years ago and am now getting divorced. My wife's green card was granted on the basis of my EB1 filing. To ensure that her GC remains valid, is there a period of time that we need to wait after the GC approval date before filing for divorce? If there's no such requirement, is it okay to state that we separated over a year ago (prior to the GC approval) on the divorce papers?

ANSWER:

First rule of all immigration filings is to state the truth. As to how they will view separation, I do not know if there is any specific law on this out there. My GUESS is, separation is NOT divorce. There can always be reconciliation. Hence, she should be permitted to keep her green card.

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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