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# Cross chargeability

## Cross chargeability <sup>[1]</sup>

Submitted by Chief Editor on Feb 25th 2010

On H1B, born in India, EB2 I-140 approved but cannot apply for I-485 since PD is Nov 2008. Is cross-chargeability applicable in this case, if I marry GF who was born in country other than India/China? Is it OK if the GF is not here right now or on other visa category than H1B? Will marrying enable both of us to file for I-485 immediately?

### **ANSWER:**

Cross changeability is possible if your spouse was born in a country other than your country of birth. She can file her *I-485* only if she is in USA.

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

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