



Published on *US Immigration Lawyer, Law Offices of Rajiv S. Khanna, PC, Rajiv S. Khanna* (<https://immigration.com>)

Legality of I-485/I-130 filing

Legality of I-485/I-130 filing ^[1]

Submitted by Chief Editor on Mar 1st 2010

I married my Canadian wife in November 09 in the US. She had entered the country as a visitor. She flew back to her expatriate parents in Australia. She re-entered the country - POE was LAX - and we linked up in North Carolina to drive north to pick up her belongings in Montreal. We exited the US and then we re-entered. USCIS gave us some difficulty at the border but they let us in together. Now I know I need to file the I-130 form, and I am hoping to file an I-485 for AOS and I-765 so she can work. Is this legal? She is here legally as a visitor with 6 months to stay.

ANSWER:

This is a touchy topic. As long as you revealed to the Post during your last entry that you were married, I see no problem with the 130/485 combo.

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]

Add new comment ^[4]

Source URL (retrieved on 21 Sep 2020 - 06:12): <https://immigration.com/faq/form-i-130/legality-i-485i-130-filing>

Links:

[1] <https://immigration.com/faq/form-i-130/legality-i-485i-130-filing>

[2] <http://www.immigration.com/law-offices-rajiv-s-khanna-pc>

[3] <http://www.immigration.com>

[4] <https://immigration.com/JavaScript%3Avoid%280%29%3B>