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File I-485 while J-1 waiver is pending

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Submitted by Chief Editor on Mar 8th 2010

I am currently in the US under the VWP which expires March 15. I was about to apply for a marriage-based GC but I just found out that I am subject to 2-years HRR. I applied for a waiver (no objection). A lawyer told me today that I should still file the I-485 and just leave the question "subject to" blank or check "yes" and add "waiver pending". Is that going to work? I don't want to overstay the VWP. How many days does it usually take to find out that I-485 submission got accepted and I can legally overstay the VWP?

ANSWER:

To the best of my knowledge that information is incorrect. You can file AOS only after the waiver is approved.

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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Links:

[1] <https://immigration.com/faq/j-1-visa/file-i-485-while-j-1-waiver-pending>

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

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