

#Ask an Immigration Lawyer™

A QUICK GUIDE TO *Marriage-Based*

GREEN CARD INTERVIEWS



**Avoid Costly Mistakes & Denials.
Increase Your Chances of Approval
With Proven Expert Advice.**

For A For A Free Consultation, Visit Us At:

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Intro:

Countless individuals inquire as to what occurs at a Marriage Visa Interview when people adjust their status after marrying a U.S. citizen. In this e-Book we will speak about what you can expect throughout the process, and assist you as well as ensure that you are as prepared as possible in order that everything proceeds easily and efficiently.

YOUR FIRST STEPS:

As you may be aware of, all applications must be filed with the Chicago Benefits Center. The USCIS opened this center in the hope of speeding up the handling of applications. Your final interview, however, will be handled by your local USCIS district office. Make sure to make a complete copy of every form, document, and any checks that you send to the USCIS.

NOTE: Never send original documents, as they will not be returned to you.

Once the USCIS has received and accepted your adjustment of status packet for processing, they will place you in the long line for your interview. They will also send you receipts for all the forms that you paid for. The receipts are very important documents and you must treat them as official government paperwork. Among other things, the receipts will contain your A-number which you'll need if you have to correspond with the USCIS concerning your case, or to determine the status of your case. You should be getting receipts 2 to 3 weeks after filing.

Your work permit will come in the U.S. mail in 90 days or so after filing. In some states the interview may be scheduled before the work permit arrives. If this is the case and you are approved on the day of the interview, the work permit will no longer be required as you will receive your Green Card shortly. If for some reason your case is not approved, or the USCIS requires additional evidence, the officer will approve the work permit at the time of the interview.

It might take several months for the Marriage based Green Card application to be processed and for an interview date to be set. While the case is pending, the immigrant spouse **MUST NOT** leave the country without USCIS permission.

If you leave without obtaining official permission, the law states that you will have given up (or abandoned, in USCIS language) your adjustment of status application. You will need to begin the process all over again. However, permission to travel can be applied for on form I-131.



Fingerprints and Biometrics appointment

Approximately two months after submitting your adjustment of status packet to the USCIS, the immigrant spouse will obtain an appointment for fingerprinting. In most cases, the USCIS will insist that the spouse be fingerprinted at a USCIS application support center. The procedure will require an electronic scan of all 10 fingers and pictures of the applicant's face. The work permit and the final interview will not be processed without this important step in the process. If you cannot attend the appointment, please call the number on your receipt to reschedule an appointment.

The Big Interview

The final step will consist of the interview appointment. The appointment notice will come in the U.S. mail within six (6) months or sooner after filing. The USCIS will provide applicants with a few weeks notification in order to get everything together before the big day.

Why do we need to attend an interview in the first place?

The U.S. government views the interview as its opportunity to confirm the contents of your application after you have sworn to tell the truth. The interview also allows the government to ask questions that will test whether your marriage is real or a sham marriage. The interview may be conducted several ways. The immigration official can talk to the couple together or separate, and videotape the couple as they answer the questions. The interview can be highly stressful, even if the marriage is perfectly legitimate. Nobody likes to talk about their private affairs with the government.

Preparing for the Interview – Do's and Don'ts

The secret to a smooth and successful interview is preparation and more preparation. Results of an interview will be based on your verbal and non-verbal communications with the officer, your physical appearance on the day of the interview, the documents that you will present, and your answers to the questions asked.

It is important that you treat the interview like a court case, come prepared with all the evidence in hand, learn your material, be ready to answer questions, and be cross examined if needed. Do not leave anything to chance. Being over prepared can only assist you.

The following tips will help you succeed and pass the interview in confidence:

Review all immigration forms and supporting documents before the interview

Go over all of your paperwork, that is, all forms submitted and supporting documents provided to the USCIS. Look at the questions and answers on every form that you have completed or that has been submitted for you, including the ones filled out by your U.S. citizen spouse. Though the forms seem to contain only factual, non-interesting bits of information, this information is filled with meaning to a USCIS officer. The financial data on the federal tax return, places of residence and employment of the immigrant spouse, and dates traveled out of the country will add up to be very important for the officer in making his/her decision. Make sure to be consistent with the forms.

Do not provide additional documents at the interview to the officer without making sure of the content and validity of the information presented

Clients tend to compile paperwork and submit it to USCIS officers at the time of the interview without carefully checking the paperwork submitted. Go through every single piece of paper before submitting it to the officer. Any documents without your joint names on it are really not necessary to the case.

Do spend some time before the interview to discuss the facts and the history of your relationship

Spend some time with your spouse reviewing the facts and circumstances surrounding your relationship, such as where and how you met, how your relationship developed, who proposed and how, how the family accepted your relationship, and any special things you like to do together, etc. Even if you and your spouse think you know and remember everything about one another, you may each remember things differently. Couples have been known to disagree about facts surrounding the events of the wedding, their last big trip and the spouse's birthday party. It is useful to write things down together and exchange notes before the interview just to jog your memory.

Dress appropriately; spend some time thinking about what to wear the night before

You should dress professionally, and even conservatively. The nonverbal mode of communication will tell a lot about who you are. Avoid shirts or jewelry with slogans or symbols that might make the officer wonder about your lifestyle or morals. If you are a young lady, avoid revealing tops and piercings, because the officer might cast doubt on your role as a responsible wife. In so many words, we suggest that you dress as if you were going to an important job interview and that your career depends on its success.

Do not become nervous or talk back to the officer at any time

Keep cool at all times. Your biggest enemy is your inability to keep calm and composed. Some officer might have a special style of questioning that might intimidate you and make you nervous. Remember, their job is to verify this relationship, so never take it personally. Stay calm, answer the questions as you are being asked, and maintain eye contact with the USCIS officer at all times. Never answer back to the officer in a rude manner, as this can end the interview right then and there. If you feel that you have been mistreated, you can always file a complaint with the officer's supervisor and/or work with an attorney to represent you.



Do not lie to the officer or try to predict the answers

Never, ever lie to the officer about any fact connected to the case. You could be charged with misrepresentation and lose the case at that point. If you are not sure about a fact or an answer to any question(s), simply inform the officer that you are not sure or do not know. Be honest and try to answer the questions to the best of your knowledge.

Be Prepared

Come prepared with the proper documents for your Green Card interview. Bring along a set of original documents and a complete set of duplicate copies that you can provide to the USCIS officer. You are expected to provide certain documentation to prove the legitimacy of your marriage. The documents requested include, but are not limited to, wedding invitations, wedding photographs, birth certificates of any children you may have together, property leases with both names affixed, photographs of special events spent together, joint bank account statements, and other joint financial documents.

So what actually happens at the interview?

After attending numerous interviews across the country, representing very different couples, and appearing before different immigration officers, we have come to realize that all interviews follow a certain blueprint.

Having stated that, it is important to properly prepare for your marriage Green Card interview, or you could experience a delay in the approval of your case, or worse, your application may be denied if you don't present the proper information at your interview.

Here are some things to expect for your big day

- Always show up on time for your Green Card interview. It is best to plan to arrive at least 30 minutes prior to your scheduled appointment.
- When you arrive at the USCIS building you will present your appointment letter to the security guard. He will inspect your bags and will let you into the building.
- You will need to inform the duty officer that you are there and present your appointment letter. You will be asked to take a seat and wait to be called by name.
- After a long waiting period, you will be called by name (immigrant spouse's name). You will be brought to the USCIS officer's desk where your identification will be checked and verified. Just when you're seated comfortably, you and your spouse will have to stand up again, raise your right hands, and take oaths to tell the truth. If you have an attorney s/he will be allowed to be present as well.
- The officer will verify your identification documents, such as birth certificates, passports and your marriage certificate. You will need to present original copies. The officer will go through basic information on the application such as your address and telephone numbers as well as date of births. He will address both spouses at this time.
- The officer will ask you and your spouse about your married life and your life together. At this stage, the questions will be polite ones, such as where you met, when and why you decided to get married, how many people attended your wedding, or the name of your parents. You will need to present evidence of your life together. Evidence includes: joint bank accounts, your rent/lease agreement, insurance, and pictures from the wedding and any trips taken together.
- The officer will then ask to see the tax return of the U.S. citizen spouse and form I-864, and then calculate the numbers to see if the sponsor meets the poverty guideline requirements.
- If all goes well, the officer will approve the case and will stamp the passport of the immigrant spouse with a stamp for 30 days. The stamp is like a Green Card and is issued so that the applicant can work and travel outside of the U.S. if needed. The stamp is good for 30 days since the actual Green Card should arrive in the mail within four (4) weeks or so. If the marriage was less than two years at the time you received the Green Card, your Green Card will be conditional for two (2) years. You will need to remove the conditions within the 90 days before the expiration of the two years. If you fail to remove the conditions timely, you may lose the Green Card.



What are some questions I'll be asked?

The most common question we often hear from clients is: "What questions does the U.S. officers at the interview ask clients?" Simply said, there is no predetermined list. There is no specific format that they follow. However, they all have the same idea and the officer is looking for one thing: they want to know whether the marriage is legitimate.

While some officers will go through a similar process, most of them will carry the questioning in their own style, depending on what they see at a given moment.

If the USCIS officer doubts that the marriage is real during the green card interview, they may separate you and interview you individually. While not necessarily designed to be tricky, the questions can actually trip up spouses that are not familiar with each other.

You do not have to memorize anything for the Green Card interview. Remember, there is nothing that you need to learn by heart for the interview. There are no specific test questions prescribed for the immigrant interview that you have to recall. What we mean by this is - should the USCIS officer ask what the date was when you last entered the U.S., and you cannot remember, you are permitted to look at your I-485 Form, Page 1, for the Date of Last Arrival. It's simple.



There are some typical questions that always come up. These include:

What are the names of the parents of the spouse? Many officers will ask this question to the U.S. citizen or the foreign national.

What did the couple do over the last weekend? The officer will want to verify that the couple is in fact together and that they spend time together.

Where did you meet? Clients sometimes forget or have different ideas as to when the first meeting was. As an attorney, I will typically ask the officer to define the question and to be more specific.

What is the amount of money you pay for your rent? Officers usually ask this because, if in fact the clients live together, they should know about how much money they pay for rent.

Is your spouse self-employed, or are they working? If they are working, how much do they make per month?

Where does your spouse work? What is the name of their supervisor?

Another question they may ask is: "**Who is the property management company that collects the rent?**" These questions are not complicated, but it will indicate to the officer whether in fact the couple live together, and it will help the officer verify in fact whether the client isn't in a relationship.

The bottom line is that as long as you come prepared, and answer all of the questions honestly, you'll pass the interview with no problems.

If you bring an attorney, your attorney's role is to assist you with any legal issues, but they will not answer any of the questions for you.

A Few Potential Problems

It is the wish of every applicant that their interview will result in an approval and leave the USCIS building with the Green Card stamp on the passport. The reality is that many other things can happen at the interview. If there is a problem at the interview, you will need to resolve it before the case can be approved.

Case Pending waiting name check and FBI Clearance

Because interviews are being scheduled rather quickly these days, there is not that much time from the fingerprints appointment date and the actual interview. Sometimes the outside agencies (FBI, etc.) are not able to complete all security checks on the applicants before the interview date. If this is the case, the officer can still approve the case, but the Green Card will not be issued until all security checks are clear. You must check back with the local office periodically to determine whether there is any progress with your file. Applicants from certain countries might be a more likely target for security checks.

Case Pending because of Request for Further Documents or Evidence

When a case is pending for a request for evidence, it does not mean that the officer is intending to deny the case. The officer simply needs more documents in order to make a final decision regarding your case.

If your case is pending, the immigration officer will issue form I-72 and will check the missing items on the form. Some immigration offices will allow you to hand deliver the evidence, while other offices will only accept the necessary documents by mail. After you submit your required evidence, be sure to follow up periodically so that your file will not become lost or archived as a result of not taking action.

Awaiting a Second Interview, or “Stokes” Interview

In many cases, it’s not always easy for the officer to determine whether the marriage is legitimate or not the first time around. This could be because the marriage is short in duration, or because the couple arrived at the interview with too few documents. This will result in the officer needing more time to determine whether it is a legitimate marriage.

In most jurisdictions, the applicants will be separated and questioned independently.

The interviews are videotaped. The USCIS officer will watch the interview thereafter with their supervisor to review the body language of the applicant as well as review the answers. From there, they will make a determination based on the interview. Based on comparing the questions, the officer will then make a judgment as to whether to approve or deny the case.

Please note that the second interview is tough to pass and that the officers tend to be rough and very strict. The interviews may take place up to six (6) months after the first interview. At the end of the second interview the case will either be denied, sent for further review to the fraud unit, or be approved.

Again, it is very normal to be nervous during an interview situation, because you are facing the government. If you do not know the answer to a question, you can let the officer know that you don’t understand the question, or ask them to repeat it. If you are unsure of any answer, simply say that you don’t know, because it is much better than inventing an answer.

It’s also very common to send an officer to the home after the interview to verify whether in fact the couple are indeed together and living in the same household. We recommend obtaining an attorney if you get a notice for a second interview.

Conclusion:

The bottom line is that if you are well-prepared, confident and honest, you shouldn't have any problems passing the interview. If you feel that you need representation before or after the interview, we would love to work with you.

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