

A PUBLICATION OF
HARLAN YORK & ASSOCIATES

HOW TO GET YOUR GREEN CARD THROUGH

MARRIAGE

A GUIDE FROM A TOP GREEN CARD LAWYER



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CHAPTER 1

9 REQUIREMENTS OF FILING FOR A MARRIAGE BASED GREEN CARD

1. **An immigrant cannot become a citizen simply through marriage to a US citizen.** You must show a lawful entry, valid marriage with evidence of living together and a clean record with law enforcement. Various other conditions must be met.
2. If you do satisfy the Immigration Service with a marriage less than two years old, you will be approved for a two year (conditional) green card. This card must be renewed through “**removal of conditions**” with more paperwork.
3. Within three or five years, you may qualify to apply for US **citizenship**. Typically an immigrant must be able to read, write and understand spoken English to naturalize.

CHAPTER 1

4. If you entered the US **illegally**, you cannot apply through marriage for a green card in the US. This law went into effect after April 30, 2001, when former Section 245(i) of the Immigration Act expired. There are exceptions which should be reviewed with an experienced, highly skilled immigration attorney.
5. In March 2013, a new waiver called an “**I-601A**” went into effect. This waiver allows border crossers (and certain other immigrants unable to apply for green cards through marriage to US citizens) to complete much of the process here.
6. All US citizens who file for their immigrant spouses must show a minimum level income of their tax returns to satisfy an “**affidavit of support.**” The rule exists to ensure that green card holders will not be likely to become “public charges.”
7. A **medical form** must be completed by a doctor approved by the Immigration Service as part of the marriage based immigration application process.

CHAPTER 1

8. After the 2013 US Supreme Court ruling in the *Windsor* case, the rules on marriage based immigration apply equally to **same sex** and opposite sex couples. It is irrelevant if a gay immigrant lives in a state where same sex marriage is not legal. The key is that he or she marries a US citizen lawfully in a jurisdiction that recognizes same sex marriage.

9. Any immigrant who has committed a crime, fraud or other potential violation of law may be eligible to file a **waiver**. The area of waivers is complex. Legal assistance by an experienced and skilled immigration attorney is strongly advised.

CHAPTER 1

If you are an immigrant (or US Citizen Spouse) who believes that you can handle the procedure of applying for a green card through marriage based immigration without a top team of immigration lawyers, please reconsider.

Right to Representation at Interview. When you file for green cards through marriage at an office abroad, you are not typically going to have an immigration lawyer with you. And in the rare case that the attorney travels a long way for the interview, our government will not generally allow your lawyer to be present during questioning. *On the other hand, in the States, immigration lawyers frequently represent married couples at green card interviews. Having a superior immigration attorney present can give you a huge advantage.*



If you are able to file here in the States, you should do it. BUT TALK TO AN EXPERIENCED, HIGHLY SKILLED IMMIGRATION LAW FIRM! Do not “Do It Yourself.”

CHAPTER 2

TOP 7 MISTAKES TO AVOID WHEN APPLYING FOR A GREEN CARD

1. You know the drill. You have it all figured out. Everyone has told you how to get a green card through marriage. So you and your spouse decide to go it alone. The officer has all kinds of questions for you and things do not go well.
2. You think twice about the above error. You and your spouse then hire the first lawyer you find, even if he or she has limited experience in immigration. Perhaps he or she has one of those practices that handles various types of cases from car accidents to criminal defense to real estate to bankruptcy. And that attorney claims to handle a “little” immigration, too
3. You have been arrested or cited for a problem with the police. But it was all dismissed. Your criminal defense attorney even told you not to worry about the immigration consequences, because there are none. You follow this advice and skip a consultation with the best immigration lawyer you can find.

CHAPTER 2

4. You actually discover that this little arrest was sort of a big problem because Immigration calls it a “ground of inadmissibility” and now has denied the green card through marriage. They even send you to Immigration Court for a deportation (removal) hearing. Maybe you should have thought more about that consultation with an immigration attorney. Oh well. . .
5. In Immigration Court, you appear and try to explain to the judge and prosecutor that the green card through marriage should be approved. The judge tells you to locate a lawyer. She even gives you several months to find that attorney. But you procrastinate.
6. You find out that there may be a way to waive the above mentioned “ground of inadmissibility.” But still you seek out an inexperienced or uncaring lawyer rather than an expert in immigration law and marriage cases and waivers.

CHAPTER 2

7. (The granddaddy of them all) You do not actually live with your spouse. You decide to go to the marriage interview and seek your green card anyway. After all, you know “plenty of folks” who have gotten away with marriage fraud. But the immigration officer splits you and your spouse up and proceeds to conduct a “Stokes” interview in which he asks you each about 100 questions, then compares the answers. There are many differences in the responses given by you and your spouse. A finding of marriage fraud is issued and now you are banned for life from receiving virtually all immigration benefits.

The above mistakes are quite common.

Why do so many people make them?

Are they trying to “save” money by not hiring the best immigration lawyer they can find?

Are they simply unaware of how the law works?



You have a handful of choices when seeking permanent residence in the United States.

CHAPTER 3

THE MOST IMPORTANT LESSON WHEN APPLYING FOR A MARRIAGE BASED GREEN CARD

Please do not file for a green card through marriage by yourself. The paperwork may be deceptively easy looking to some, but to do it properly requires an expert. Even if you know folks who “did it themselves,” that does not mean that you will have a smooth sail.

- The forms change.
- The rules change.
- The system changes.

Some immigration officers can be intimidating.

CASE EXAMPLE: We had a green card through marriage application that was very strong.

The interview lasted 70 minutes.

One question was repeated 4 times in more than an hour.

CHAPTER 3

Even with a veteran immigration attorney present, the immigrant and United States citizen spouses were thoroughly interrogated. The case was approved but only after a pretty tough experience.

Do not hire a lawyer who takes on immigration cases along with real estate and divorce and wills and other areas of law.

Focus on locating the best immigration lawyer you can find.

I often remind people that this process should not be treated in the same manner as car shopping, although we sometimes see immigrants who act as if applying for a green card through marriage is like a trip to their local auto dealers.

Remember: you can always choose a product such as a vehicle or a pair of shoes after comparison shopping. But with a life-changing procedure such as filing for a green card through marriage, you must put your faith in an expert who knows the system and the forms and the law. Even better if that expert has a team of immigration lawyers. . .

CHAPTER 3

With a life-changing procedure such as filing for a green card through marriage, you must put your faith in an expert who knows the system and the forms and the law.

The citizenship examination has 100 questions to study, but the marriage has literally thousands of questions to review. *In other words, when you marry and apply for a green card, do not even think about this process unless the relationship is 100% REAL.* I do not care if you know someone who claims to have “gotten away” with a fake marriage. Immigration can always catch that person the second time around. Plus marriage fraud is a crime and a permanent ban on future green card applications in virtually all cases.

If you have ever had any trouble with the police, no matter how minor, please talk to the best immigration lawyer available to make certain that you will encounter no problems in seeking a green card through marriage. This issue applies to US citizens with certain crimes as well, not simply immigrants.

CHAPTER 3

Any prior immigration applications filed must be reviewed before applying for green cards through marriage. Whether you previously filed for a green card through employment, asylum, or another marriage, just to name three examples, your past immigration history ranks as a very significant factor.



Do not be fooled by the deceptively easy-looking paperwork.



Do not be convinced by others who tell you that the process is simple.



Ask yourself: how much experience do these “experts” have in dealing with Immigration?



I was very pleased with the entire process. Above all, I was extremely happy with his accessibility. Staff is very friendly and always answered my questions when I called. Mr. York is extremely good about getting back to you with any questions. It never went for more than a few hours before getting a return call. He responds to his emails almost instantly. I have worked with other attorneys and have not been this satisfied until I found Mr. York.

- MARTHA, CLIENT TESTIMONIAL



**DON'T RISK YOUR
MARRIAGE BASED GREEN CARD!
CONTACT HARLAN YORK & ASSOCIATES
TODAY FOR CONSULTATION WITH
THE BEST GREEN CARD LAWYER!**

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