

## Employment Based Permanent Residence

The contents of these web pages are provided for general information purposes by Curran & Berger LLP of Northampton, MA, and do not constitute legal advice for specific cases, which should only be obtained from an attorney. This step by step guide does not address the question of whether it is advisable to file the I-485 application at all, but rather assumes that the decision has already been made. Please note that under the "concurrent" filing rules, if the underlying I-140 petition is denied, the I-485 will be also be denied.

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### Preparing & Filing the Necessary Documentation with the USCIS:

This information applies specifically to residents of Massachusetts, Connecticut, Vermont, Maine, New Hampshire, Rhode Island, Delaware, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, West Virginia, U.S. Virgin Islands and the District of Columbia. Applicants must have already obtained an I-140 petition receipt notice. The rules for eligibility can be complex, especially for applicants who may have violated the terms of a nonimmigrant visa.

Following is a list of all of the documentation you will need to file with the Nebraska or Texas Service Center, when applying for adjustment of status to lawful permanent residence based on an I-140 immigrant visa petition:

- I-797 Receipt or Approval Notice for the I-140 Immigrant Worker Petition
- Form I-485, Application for Adjustment of Status to Lawful Permanent Resident
- Form G-325, Biographic Information, one copy on white paper and one copy on blue paper
- Two passport-style photographs. They must be glossy, unretouched and unmounted, and have a white background. These photos must be taken within 30 days of submitting to the USCIS. These photos can usually be taken at any local photo shop. Photo specification instructions are available on the Guides web page.
- The filing fee (\$325 for adults), in the form of a check or money order, made payable to "Department of Homeland Security."
- The fingerprint fee (\$70), in the form of a check or money order, made payable to "Department of Homeland Security."
- Your birth certificate (with certified translation, if applicable)
- A copy of your I-94 Card (small white card, usually stapled inside of passport)
- Photocopy of Passport (entire copy, cover to cover)
- Employer letter reiterating the offer of permanent employment
- Documentation of compliance with valid nonimmigrant visa status since entry, including all approval notices, I-20IDs, IAP-66s, DS-2019s, etc.
- Form I-693, Medical Examination and Immunization Report; performed by an USCIS authorized physician (in sealed envelope; to be opened by USCIS only).

### General Instructions Regarding Forms:

Answer all questions by either typing or printing neatly in black ink. If an item is not applicable, write "N/A". If your answer to a question is none, write "none". Leave no areas blank. If you need extra space to answer an item, attach an additional sheet of paper with your full name clearly marked. Also, indicate the number of the item from the application that you are extending to the additional sheet of paper.

Every application must be properly signed and filed with the correct fee.

We Recommend You Send the Application via Certified Mail or FedEx To:

USCIS Nebraska Service Center  
P.O. Box 87485  
Lincoln, NE 68501-7485

Or

USCIS Texas Service Center

4141 St. Augustine Road

Dallas, TX 75227

**WE RECOMMEND THAT YOU DO NOT FILE ORIGINAL DOCUMENTS WITH THE NSC/TSC, BUT HAVE THE ORIGINALS IN YOUR POSSESSION IN CASE AT ANY POINT THE NSC/TSC REQUIRES THEM FOR VERIFICATION OF AUTHENTICITY.**

REMEMBER TO MAKE A COMPLETE PHOTOCOPY OF ALL DOCUMENTATION YOU FILE WITH THE NSC/TSC, FOR YOUR OWN RECORDS.

Additional Notes:

Spouses and children may file separate application packages with the principal applicant, supported by marriage/birth certificates and supporting financial documents. The filing fee for an applicant under the age of 14 is \$225.00. Children under the age of 14 are not fingerprinted and do not need to submit a fingerprint fee.

Applications for Employment Authorization Document (Form I-765) and Advance Parole Travel Permission (Form I-131) should be filed with the I-485 application at the NE/TX Service Center. These documents will be mailed to you when they are approved.

After receipt of the EAD, you may go to a Social Security Office with proper identification, to apply for a valid Social Security Number and Card.

The NSC/TSC will also send you fingerprinting instructions within a few months.

For many applicants, if the case is "clean", your USCIS interview may be waived and the NSC/TSC will send your approval notice to you directly by mail.

The NSC/TSC seems to be clearing its backlog of I-485 cases, but some cases have been pending for more than two years. Those wishing to avoid backlog delays may wish to consider consular processing as an alternative. If You Are Called For an USCIS Interview:

- Bring all original documents/certificates
- Arrive promptly at USCIS, dressed conservatively
- Follow the instructions of the USCIS officers and your USCIS examiner
- Ask your USCIS examiner his/her name and write it down