

How to Get a Green Card Through Marriage: Step-by-Step Guide

Are you married to a US citizen or lawful permanent resident? Are you **planning** to marry a US citizen or lawful permanent resident?

If so, you should know that you are eligible for a green card based on your marriage to a US citizen or lawful permanent resident.

In this guide, I will explain everything you need to know about getting your US green card through marriage.

If you have any questions or if you need help preparing and filing your green card through marriage petition, feel free to email me at Info@immigrationlawfirmlltd.com.

I'm a US immigration lawyer, I'm very responsive via email, and I would be happy to help you.

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1. Introduction to Getting a Green Card Through Marriage

As the spouse of a US citizen or permanent resident, you are eligible to apply for your green card. The basic idea is that through a **valid** and **legitimate** marriage to a US citizen or permanent resident, you may qualify for a green card.

To get a green card through marriage, your US citizen or US permanent resident spouse is required to file a Form I-130 on your behalf (there are additional steps as well that we will discuss below). Your spouse is the **petitioner** (person filing the petition) and you are the **beneficiary** (person benefitting from the petition).

With a green card, you can live and work in the United States, freely travel in and out of the US, attend US schools, and eventually apply to become a US citizen.

Getting a green card through marriage is not as simple as you might think. There are multiple requirements and steps that must be carefully followed. Failure to properly file your case or to follow each of the required steps can result in your case being delayed, or even worse, denied.

The requirements for getting a green card through marriage are slightly different depending on whether you are marrying a **US citizen** or a **US permanent resident**. I will make these differences clear throughout this guide.

2. Benefits of Getting a Green Card Through Marriage

There are several benefits to getting a green card through marriage. Here are just a few:

- Ability to live and work anywhere in the United States
- Eligibility to adjust status in the United States, even if you have overstayed your visa or are out of status.
- No need for a US company to sponsor you through a job offer
- Ability to freely travel in and out of the US
- Your unmarried children under 21 years old can also qualify for green cards as derivative beneficiaries to your case

- Ability to sponsor your relatives once you become a US permanent resident
- Access to US schools

3. Process of Getting a Green Card Through Marriage

There are multiple steps to getting your green card through marriage. Here's a quick outline:

- Marry a US Citizen or Lawful Permanent Resident
- File Form I-130
- Marriage Interview
- File for Adjustment of Status/Consular Processing
- Conditional Permanent Resident Status
- Removal of Condition to Become Unconditional Permanent Resident
- Naturalization (Optional)

A. Marry a US Citizen or Lawful Permanent Resident

The first step to qualify for a green card through marriage is to marry a US citizen or lawful permanent resident. The marriage must take place before any immigration paperwork is filed.

Must be a valid marriage:

- The marriage must be legally valid and recognized in the place where the marriage took place.
- The marriage cannot be fraudulent (just to get immigration benefits).
- The marriage cannot violate federal or state laws or public policy (incestuous marriages, polygamy, etc. are not allowed).
- The key factor in determining whether the marriage is valid is whether the couple intended to create a life together at the time of the marriage.

B. File Form I-130

Once married, the next step is to File a Form I-130. The I-130, also called the “Petition for Alien Relative” is the first form that is filed with the United States Citizen and Immigration Services (USCIS).

The Form I-130 is filed along with several evidentiary documents including the marriage certificate, copies of passports, pictures together, documentation proving the validity of the marriage, etc.

Basically, the Form I-130 proves that requirements for a marriage green card are satisfied.

C. Marriage Interview

After the Form I-130 is filed, USCIS may schedule an interview or investigate your case. USCIS will usually schedule an interview or conduct an investigation where there is a greater concern that the marriage is not legitimate.

When USCIS schedules a marriage interview, you should be prepared to prove that the marriage is legitimate. You should provide documentation, including photos and signed statements from friends/family affirming that the marriage is legitimate.

At the interview, the immigration officer may keep you in the same room or separate you.

You should be ready to answer questions regarding the following topics:

- Spouses upbringing and family information (how many siblings does your spouse have?)
- Your relationship with your spouse (where did you meet?)
- Current events in your relationship (what did you do together yesterday?)
- Miscellaneous (how many televisions are in your home?)
- Personal Information (spouse's favorite food?)

D. File for Adjustment of Status/Consular Processing

The next step in the green card process is to either adjust status or apply for an immigrant visa abroad. The Form I-130 does not by itself give you any immigration rights. Instead, the I-130 provides the basis to apply for your green card. This can be done in 2 ways: an adjustment of status or consular processing. Each of these options has different requirements. The option that you select will depend on your particular circumstances. I'll explain both options below.

Adjustment of Status

An adjustment of status is the process of converting whatever status you currently hold in the US to permanent resident status. This process is handled entirely in the United States and is done by filing a Form I-485 with USCIS. The Form I-485 is the "Application to Register Permanent residence of Adjust Status."

In many cases, you can file the Form I-485 at the same time as your Form I-130; this is called concurrent filing.

Requirements for Adjustment of Status:

- You must have entered the United States legally
- You are physically present in the United States at the time the I-485 is filed
- You cannot be inadmissible for immigration. There are 10 categories of reasons why someone may be inadmissible to the United States

(based on criminal convictions, health-related issues, etc.). You cannot fall within any of these categories.

If you are marrying a US lawful permanent resident (non-US citizen) there are also some additional requirements to adjust status:

- A visa number must be currently available. There are limits to the number of visas that are issued to the spouses of US lawful permanent residents. To adjust status, you must make sure that there is a visa number currently available at the time you file the Form I-485. [You can check whether a visa is currently available using this link.](#)
- You must have never worked in the US without work authorization (no illegal employment)
- You must have always maintained lawful status in the US. This means that you cannot have overstayed the length of time you were authorized to be in the US as shown on your Form I-94.
- You cannot have entered through the visa waiver program.

Once your Form I-485 is approved, you are a conditional permanent resident or “unconditional” permanent resident, depending on your particular situation.

Consular Processing

If you are living outside of the US, or if you do not meet the requirements for doing an adjustment of status, then you must apply for an immigrant visa at a US consular office abroad.

Consular processing (also called “visa processing”) is the process of applying for an immigrant visa at a US consulate or embassy abroad. To apply for an immigrant visa, you must complete and submit a Form DS-260. The DS-260 (called the “Immigrant Visa Electronic Application” is completed and submitted

online. [You can visit the US Department of State website here to learn more about the DS-260.](#)

Requirements to apply for immigrant visa:

- Your Form I-130 must be approved.
- You cannot be inadmissible to the US based on any of the 10 categories of inadmissibility (criminal convictions, health issues, etc.).
- A visa must be currently available for you. [You can check the visa bulletin here, to see if a visa is currently available.](#)
- You must undergo a medical examination by a qualifying doctor.
- You must attend an interview at a US consulate or embassy. At the interview, the immigration official will review the documents for your marriage case, your medical examination results, and other such evidence. They may also ask you questions about your marriage to determine that it is legitimate.

Upon successful completion of the consular interview, an immigrant visa will be affixed to your passport within about a week. You can use the immigrant visa to seek entry to the United States. Upon entering, your classification becomes either conditional permanent resident or “unconditional” permanent resident depending on your situation.

E. Conditional Permanent Resident Status

If you become a permanent resident within the first 2 years of marrying your US citizen or permanent resident spouse, then you are considered a “conditional” permanent resident for a 2-year period.

If you have already been married for 2 years or longer at the time you become a permanent resident, then you directly become an “unconditional” permanent resident.

As a conditional permanent resident, you have the same rights and privileges as other permanent residents. You will be issued a permanent resident card (“green card”).

During this 2-year period, USCIS can terminate your conditional green card if it discovers that the marriage was not legitimate, or if the marriage terminates within the 2-year period (through divorce or annulment).

F. Removal of Condition to Become Unconditional Permanent Resident

At the end of the 2-year period of conditional permanent residence, you are required to file a **joint** petition to have the condition removed from your permanent resident status. To become an unconditional permanent resident, you are required to file a Form I-751 with USCIS. [You can access the Form I-751 here.](#) You are eligible to file the Form I-751 within 90 days before your 2-year conditional resident status expires.

The Form I-751 is required to be jointly filed. This means that both parties are required to sign the petition and declare that the marriage was legitimate. However, in certain situations, you may be able to apply for a waiver of the joint filing requirement. This would allow you to file your Form I-751 **without** your US citizen or lawful permanent resident spouse.

Here are the reasons why USCIS may grant a waiver of the joint filing requirement:

- US citizen or lawful permanent resident spouse has died
- The conditional permanent resident suffered battery or extreme cruelty at the hands of the US citizen
- The marriage has ended through divorce or annulment
- Extreme hardship

Documents to submit with Form I-751

- A lease agreement or mortgage showing a shared residence
- Evidence of shared bank accounts (commingled funds)
- Birth certificates of children that were born during the marriage
- Signed statements from friends and family that have personal knowledge of the legitimacy of the marriage

Once the Form I-751 is approved, you are officially an unconditional permanent resident.

G. Naturalization (Optional)

Naturalization is the process of applying for and becoming a US citizen. While you are not required to naturalize to become a US citizen, as a permanent resident, you are eligible to apply for naturalization.

You are eligible to naturalize after being a permanent resident for 5 years. Your conditional permanent resident status counts toward the 5 years.

Here are some of the requirements to naturalize:

- Must be 18 years or older at the time of filing your naturalization application.
- Must have your green card for at least 5 years.
- Must have lived in the state you are applying for naturalization in for at least 3 months.
- You must have been physically present in the US for at least 30 months within the 5 years immediately preceding the filing of your naturalization application.
- You must have good moral character.
- You must have a basic understanding of US government and history.
- You must have continuously resided in the US for at least 5 years prior to filing your naturalization application (no continuous absences for 180 days or longer)

4. Requirements to Get a Green Card Through Marriage

The requirements for getting a marriage based green card are slightly different depending on whether you are marrying a US citizen or a lawful permanent resident. Where there are differences, I will make clear indications.

A. Must be in a Legitimate Marriage with a US Citizen or Lawful Permanent Resident

- The marriage must be legal, valid, and recognized in the place where the marriage took place.
- To determine whether the marriage is valid, USCIS looks to see whether the parties intended to build a life together at the time of the marriage.
- The marriage cannot be a sham (to get immigration benefits).
- The marriage cannot go against US law (incest, multiple spouses, etc.).

B. Minimum Income Requirement

- Your US Citizen or Lawful Permanent Resident Spouse must have income that is at least 125% of the federal poverty level.
- Your spouse must sign an affidavit stating that they will support you.
- If they do not have income that is at least 125% of the federal poverty level, they can use a joint sponsor.

C. You cannot be inadmissible for immigration

- There are 10 categories of inadmissibility which are based on health, criminal background, prior removals, etc.
- You cannot fall in any of these categories

D. You Must File a Form I-130 with USCIS and get approved

E. You Must Complete an Adjustment of Status or Consular Processing

Adjustment of Status Requirements

If you are Marrying a US Citizen or Lawful Permanent Resident:

- Must have entered US lawfully
- Must be physically present in US at the time of I-485 filing

Additional Requirements Only if you are Marrying a Lawful Permanent Resident:

- Visa must be currently available. (feel free to contact me at Info@immigrationlawfirmlltd.com, and I'll check whether a visa is currently available)
- Never worked unlawfully in the US
- No unlawful presence in the US
- Cannot have entered through the visa waiver program.

Consular Processing Requirements

If you are Marrying a US Citizen or Lawful Permanent Resident:

- Must attend a medical examination
- Must attend a consular interview

Additional Requirements Only if you are Marrying a Lawful Permanent Resident:

- Visa must be currently available

5. Documents Required to Get a Green Card Through Marriage

There are many documents that can be included with your petition for a green card through marriage. The documents that you include with your case will depend on your particular situation and the evidence that you have available based on your relationship. For example, if you've gone on vacation with your spouse, potential documents for you to include are pictures of you and your spouse together while on vacation. If you and your spouse have a child together, your child's birth certificate should be included with your petition.

All documents that are in a foreign language should be submitted along with a certified translation.

Here is a general list of documents you should expect to provide for your green card through marriage case. **This is a general list.** Your immigration lawyer should review your case with you and create a specific list of documents based on your particular case.

Documentation from US Citizen or Lawful Permanent Resident Spouse

- Copy of Passport
- Copy of Form I-551 (Permanent Resident Card)
- Passport photos
- Income tax returns for last few years

- Proof that all prior marriages have been terminated such as a final divorce decree (if applicable)

Documentation from Foreign National Seeking Green Card

- Copy of passport
- Copy of birth certificate
- Passport photos
- Proof that all prior marriages have been terminated such as a final divorce decree (if applicable)

Joint Documentation

- Photos of you and your spouse in various settings (your wedding, with friends, parties, on vacations, etc.)
- Marriage certificate
- Any documentation with both you and your spouse's names on it
- Joint lease agreement or mortgage
- Evidence of a joint bank account
- Joint health insurance policy
- Birth certificates for any children you've had together
- Joint credit card statements
- Joint car insurance
- Letters from friends addressing both of you

6. What are the Fees to Get a Green Card Through Marriage?

Here is a breakdown of the fees you should anticipate throughout the process:

- **Immigration Lawyer Legal Fee:** This is the fee your immigration lawyer will charge to prepare and file your green card through marriage case. This fee will range depending on your immigration lawyer.
- **Form I-130 USCIS Filing Fee:** The [USCIS filing fee for the Form I-130](#) is \$535.
- **If doing an Adjustment of Status:** You are required to file a Form I-485. The [USCIS filing fee for Form I-485](#) is currently \$1,225.
- **To Remove Condition on your Green Card:** You are required to file a Form I-751. The [USCIS filing fee for Form I-751](#) is \$680.
- **Document Translation Fees:** All documents that are in a foreign language, such as a foreign marriage certificate, must be translated to English by a certified translator. The fees for certified translations range depending on the company you work with.

Depending on your particular case, there may be other fees as well. Contact me directly at Info@immigrationlawfirmlltd.com to discuss the specifics of your case with you.

7. How Long Does It Take to Get a Green Card Through Marriage?

Here is breakdown of each step and the estimated processing time:

Step 1: Filing I-130

- USCIS typically takes anywhere from **6 to 12 months** to process an I-130 for a green card through marriage case.

Step 2: Adjustment of Status/Consular Processing

- An adjustment of status or consular process takes anywhere from **6 to 8 months to complete**.
- In order to adjust status or consular process there must be a visa currently available.
- If you are petitioning as the spouse of a **US citizen**, visa numbers are always current.
- If you are petitioning as the spouse of a **US permanent resident**, there are numerical limits to the number of visas available each year. You should check the [visa bulletin](#) to see if a visa is currently available or you can email us.
- If you are petitioning as the spouse of a **US citizen**, you may be able to file your adjustment of status concurrently with your Form I-130.
- If you are petitioning as the spouse of a **US permanent resident**, you can only file your adjustment of status concurrently with your Form I-130 if a visa is currently available.
- These concepts can be pretty confusing. If you have any questions, email me directly at Info@immigrationlawfirmlltd.com.

8. What Questions will I be Asked During the Marriage Interview?

There are a multitude of different questions that an immigration official may ask you during the marriage interview. Rather than list every possible question type, here's a list of the 4 categories of questions you may be asked about, along with sample questions in each category.

A. Spouse's Background and Basic Knowledge About Spouse

- Which city was your spouse born in?
- What is your spouse's birthday?
- List your spouse's residences over the last 10 years.
- How many siblings does your spouse have? What are their names?

B. Basic Information Relating to Your Relationship with Your Spouse

- How did you meet your spouse?
- Where and how did your spouse propose to you?
- Where did you get married?
- Where was your honeymoon?

C. Household Information

- What are the color of the walls in your home?
- Do you have a television in your bedroom?
- What type of flooring do you have in your home? (wood, tile, etc.)

D. Spouse's Personal Information

- What is your nickname for your spouse?
- Does your spouse have any distinct birthmarks or scars?
- What cologne/perfume does your spouse wear?

9. Conclusion

As you have now reached the end of this guide, you should have a much stronger understanding of how to get a green card through marriage. You should now understand the basic process of getting a green card by marriage, the requirements to get a green card by marriage, and the documents required throughout the process.

This is quite a bit of information and much of it is highly complex. Do not be discouraged if you do not fully understand everything in this guide. Much of the information in this guide is intended for your informational purposes. Working with an immigration lawyer can make the process much easier and much less confusing.

If you need help filing your marriage green card case, please feel free to email me at Info@immigrationlawfirmlltd.com. I am very responsive via email and would be happy to help you.