



## 3ID Legal Assistance Office Newsletter Volume 6, July 2024

***“SOLDIER FIRST, LAWYER ALWAYS”***



Welcome back to the latest edition of the 3ID Legal Assistance Newsletter. This edition of the Legal Assistance Newsletter will present a general pathway for becoming a lawful permanent resident (green card holder) when married to a US citizen.

### **Immigration Series Part I: I Married a US Citizen, Now What?**

*By Marguerite M. Winnier, Esquire*

- Having married a US citizen, or if not married yet, you are planning to marry a US citizen and start a new life in the United States, you will need to understand your immigration status. **You will not automatically attain any lawful US immigration status by reason of marriage to an American.**
- After marrying a US citizen you will not immediately become eligible to apply for US citizenship. However, as a spouse of a US citizen, you will be classified as an “immediate relative” and therefore eligible to apply for permanent residence, or what is commonly known as a “green card.” A green card is a photo ID that grants you the right to live and work in the United States indefinitely. There are NO quota limits on green cards issued for the “immediate relative” category of spouse.
- Applying for a Green Card: **Where** you got married will depend on what forms will need to be filed (ie; overseas or already in the United States).
- If you were already residing in the US but originally entered the country for a reason other than to get married (student or worker), you may be able to apply for an adjustment of status from your existing visa, even if you have “overstayed” past the date you were to exit the country. In general, you can apply to change your nonimmigrant status if: (a) you were granted lawful admission to the US under a nonimmigrant visa which is still valid; (b) you have not during this time breached the conditions of your visa status; and (c) you do not have any convictions that would make you ineligible.
- Marrying a US citizen does not guarantee you being granted a green card. Applications for lawful permanent residence through marriage are carefully scrutinized by USCIS to prevent abuse of the system, namely to stop applicants using a fraudulent marriage for the purposes of procuring a green card.
- When filing the petitions for a green card or application for visa, you and your spouse will need to provide documentary evidence that the relationship is legally valid and made in good faith. You and your spouse have the burden to prove the marriage is legitimate to USCIS. This initial petition will be on an I-130 (US citizen sponsor) and I-130A (spouse/beneficiary). These forms will generate a visa for the nonimmigrant spouse, which will allow them to adjust his/her status to lawful permanent resident. This initial filing is the best time to provide all evidence to avoid USCIS from sending you requests for additional evidence (RFE). This will include birth certificates for both sponsor and beneficiary, marriage license, translated versions of all documents into English (if necessary), pictures, leases, insurance policies, phone bills, etc. Soldiers could provide a printout of their dependent in DEERS, DD93, SGLI declaration sheet, Tricare eligibility print out and copy of CACs and orders with spouse’s name on them. The more proof that is provided at this stage the less likely the couple is to receive requests for additional evidence from the interviewer assigned to your application and any requests for additional information will certainly make the application process take longer.

If you have questions or want to learn more, stop by Legal Assistance!

If you have inquiries or would like to schedule an appointment with one of our attorneys, please email us at: [usarmy.stewart.forscom.mbx.fsga-legal-assistance-office@army.mil](mailto:usarmy.stewart.forscom.mbx.fsga-legal-assistance-office@army.mil).

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