

FAQs: What to Expect at Your Employment-Based Green Card Interview

USCIS is now conducting in-person interviews for employment-based green cards. These types of interviews have not been conducted since the 1990s, so many people have questions about what to expect from the process. I'm attending these interviews with my clients.

Here is a summary of my observations and answers to the most frequently asked questions about employment-based green card interviews.

1. What can the employee expect when arriving at the interview?

The employee will clear security and check in at their local USCIC field office, which is listed on their interview notice. Then, they will wait in a waiting room until they are called for the interview by the adjudicating officer.

Applicants should have their attorney present as these interviews can be complex and will determine whether the employee's case is favorably adjudicated.

2. What should the employee bring to the interview?

The USCIS interview notice is generic and at this time not specific to an employment-based interview. Many of the documents listed in the interview are not applicable. Thus, we recommend that the employee also brings the following documents:

- any immigration documents received after the petition was filed, such as employment authorization, advance parole permit or others;
- current passport and latest I-94 Record;
- originals of identity documents such as birth (including the full name of the parents) and/or marriage certificates; and
- a recent letter from the employer confirming continued employment in the applicable position with the specified salary.

The employee should not volunteer information or provide documents unless they are requested or they help significantly clarify a point.

3. What questions will the employee be asked?

The purpose of the interview is to verify the information and documentation presented in the I-140 petition and adjustment of status application. The officer has the discretion to explore other topics. The USCIS officer may mainly ask questions about:

- the employee's qualifications for the position such as education, work experience, certifications;

*This material is not intended to substitute as legal advice.

- the employee’s title, job duties and salary;
- *the employee’s admissibility, such as any arrests, immigration violations, or misrepresentations and*
- the employee’s good moral character.

4. How long will the interview last?

Most interviews last around 30 minutes, but the employee should plan for about 3 hours for this process considering security procedure, checking in, wait times, delays and others.

Note: Please note that for about 15 minutes of the interview, the officer will be reviewing the employees USCIS’s file document and will not be actively interacting with the applicant. This can be stressful...the applicant should remain calm and patient during these times.

5. What happens at the end of the interview?

Hopefully for most applicants, the case will be approved, and the employee might receive a “I-551” stamp in the passport. The physical green card should arrive in the mail in 2-3 weeks.

If the case cannot be approved, the officer will usually ask for additional documentation or will advise that they need to do further internal processing. Once the documents are submitted by the deadline given, or the internal process is completed, the officer will reopen the case, evaluate the response and send the final decision by mail.

6. How are these new interviews impacting the processing time of other cases?

They are lengthening processing times for all cases since they are increasing the workload of USCIS field offices.

It is more critical than ever that employers and employees work closely and proactively with their immigration attorneys to monitor underlying visa validity, employment authorization documents, and advance parole documents to support work authorization.

7. Are the employee’s spouse and children also interviewed?

Yes, dependents on the application will also be called for an in-person interview.

Each applicant will get a separate interview notice from USCIS – except children under 14 years old, whose interviews may be waived. USCIS will attempt to schedule families together at the same time and location, but they do not guarantee this.

8. What types of questions will the employee’s spouse and children be asked?

The USCIS officer may ask questions about:

- the legality of the relationship to the primary applicants; and

**This material is not intended to substitute as legal advice.*

- the bona-fide nature of the relationship with the primary applicant.

9. What should the employee's spouse and children bring?

The generic USCIS interview notice will have a list of documents to bring. The applicant should ensure to bring:

- original marriage certificates (for spouses);
- original birth certificates, custody/adoption, or similar documents (for children) including the full name of the parents; and
- documents that confirm the bone-fide nature of the relationship, such as:
 - joint taxes, assets, leases, mortgage, bank accounts, or credit card statements;
 - or evidence of children born to the marriage.

10. What should the employee do if there have been job changes since the I-140 filing?

If there is a job change during the pendency of the adjustment of status, a Supplement J to request job portability must be filed. This will require:

- a Form I-485 pending with USCIS for 180 days or more;
- an approved or pending Form I-140 naming the employee as the principal beneficiary; and
- a permanent job offer from a U.S. employer in a same or similar occupation listed in the underlying Form I-140.

11. What should your immigration attorney be notified of?

Below are some examples of situations where you will need legal guidance:

- change of employer or payroll entity;
- change of job location;
- change of job title, duties, or responsibilities;
- change of job hours (going from full-time to part-time, for example);
- corporate merger, acquisition, name change, FEIN change, or other restructuring;
- job loss; or
- arrest in the united states or abroad.

*This material is not intended to substitute as legal advice.

NOTICE TO APPLICANT: If you have ever been arrested or detained by any law enforcement for any reason, you must bring the following to your adjustment of status interview.

NOTE

You **do not** need to bring any documentation relating to any traffic fines and incidents that **were not** alcohol or drug related and did not involve an actual arrest if the only penalty was a fine of less than \$500 and/or points on your driver's license.

You **do** need to bring documentation if you were involved in any traffic incidents that were alcohol or drug related or you were arrested for the incident, or if the penalty resulted in a fine of more than \$500 and/or points on your driver's license.

If you have ever been arrested or detained by any law enforcement officer for any reason, and no charges were filed, bring:

- An original official statement by the arresting agency or applicable court order confirming that no charges were filed.

If you have ever been arrested or detained by a law enforcement officer for any reason, and charges were filed, or if charges were filed against you without an arrest, bring:

- An original or court-certified copy of the complete arrest record, and/or disposition for each incident (e.g., dismissal order, conviction record or acquittal order).

If you have ever been convicted of placed in an alternative sentencing program or rehabilitative program (such as drug treatment or community service program), bring:

- An original or court-certified copy of the sentencing record for each incident and evidence that you completed your sentence, specifically:
 - An original or certified copy of your probation or parole record, or
 - Evidence that you completed an alternative sentencing program or rehabilitative program.

If you have ever had an arrest or conviction vacated, set aside, sealing, expunging or otherwise removed from your record, bring:

- An original or court-certified copy of court order vacating, setting aside, sealing, expunging or otherwise removing the arrest or conviction, or an original statement from the court that no record exists of you arrest or conviction.

*This material is not intended to substitute as legal advice.