

Marriage to a U.S. Citizen can lead to a green card but no travel while waiting!

My boyfriend and I are considering getting married. He is a US citizen. It's been a few years since I last came to the U.S. on my three month visa and we are thinking about getting married at home in Ireland but want to know what we would have to do after our wedding to come back? If we decided to get married here, what do we need to do and how long will it take for me to get the paperwork done so I can travel as my sister is getting married next year in Ennis?

We would be happy to offer you and your boyfriend some tips on getting married, as well as information on applying for the green card based on your marriage. For starters, don't even think about leaving the US until you have been approved for your green card! If you left now to get married in Ireland, you would trigger former President Clinton's ten year bar from getting a green card and also be ineligible to return to the US as a visitor for ten years. In fact you could easily end up there over 10 years as you would first try to process the green card through the U.S. Embassy in Dublin and then you would be denied as you need a waiver of the ten year bar. These waivers are very hard to get, the appeals office in Washington, DC recently approved a waiver for a Mexican man who was separated from his wife and two boys while the denial and appeal dragged out for over three years. See bibdaily.com (one of our recommended web sites from last month) and <http://drop.io/8bktmyq> for more details of the kind of bureaucratic nightmare families face with immigration waivers.

The good news is if you start now, you should make your sister's wedding in Ireland, if you first get married here in the US. Note too that there is nothing to prevent you from having a second wedding in Ireland later once you are free to travel. It is only taking a few months to get an interview in some places and less than six months in other parts of California. According to a US Citizenship & Immigration Services (CIS) memo, marriage cases which have been pending over six months can be approved even though the required FBI background checks may not been completed.

In California there are two different types of marriage licenses issued by the County Recorder and either one of them is fine. Neither requires a blood test and the cost is the same, around \$100 and both are valid for 90 days. The two of you apply by showing ID (passport is fine) and if either of you were recently divorced you may need to show the divorce judgment. If you are living together for some time, you may request a "Confidential" license which is designed to legalize a relationship which already exists.

If you do not currently live together but will be moving in together after the marriage, then a "Public" marriage license is the one you want. A public marriage must be witnessed and it can be performed anywhere in California. A public marriage also works for couples who are living together as the same address for each of you will appear on the certificate. Nearly all counties have lots of information on line and some even let you pay for the license on line and schedule when you want to get married.

You can only get married in California once, so if you want to do a city hall wedding and later do a church wedding, you will not be able to get another license for the church wedding. However, this is normally not a problem as you are already married so you are free to also celebrate a religious ceremony at any time and in any place.

A couple of words of caution: if you get married in Nevada, most of my clients who got married there had lengthy delays in trying to obtain the certified copy of their marriage certificate. The day you get married, you will receive a ceremonial certificate, however CIS will only accept the certified copy. Also note that whatever information you provide for the license, the same information may appear on your certificate. If you have any questions about what to put on the license or if it has been less than thirty days since you last entered the US, please consult an immigration attorney before actually applying for the license.

To apply for the green card, the two things you will need from home are your long form birth certificate (with both parents names) and your immunization records (childhood vaccinations in particular Mumps, Measles, and Rubella aka German Measles), if you can get them. Sometimes parents have them, or the school you went to has them, and if they are not available you may end up getting some shots as part of the CIS medical exam. Many people who start on their case prior to the wedding can have all the paperwork ready to file by the time they get the certified marriage certificate.

Once you are married, you can file to adjust your status to that of a permanent resident (green card holder) if you can show legal entry. The filing fees of \$1,365 are cashed in Chicago and then the file is transferred to the National Benefits Center (NBC) in Missouri. The NBC sends out receipts, starts the background check clearances, schedules "biometrics" (fingerprints, etc.), and does the initial screening of the affidavit of support and other parts of the application. If no request for initial evidence is received, the application will be scheduled for an interview and the file will be transferred to the local CIS office. Many people who are out of status choose to have an immigration attorney represent them and also accompany them to the interview.

Prior to the interview, you should receive a one year work card. While you would be eligible to apply for a one year travel permit, it is not recommended as if you actually were to use the travel permit you would trigger the 10 year bar and even if you were readmitted on the travel document, your case would be denied unless a waiver is approved (see Mexican case above). If the case is approved at the interview, you will be sent out a green card (actually it is white) within a few weeks. The entire process can be pretty fast if there are no problems. Note that CIS officers are cross-trained in order to speed up both marriage green card and naturalization interviews.