



The Green Card Graveyard: 7 Common Pitfalls on the Path to Permanent Residence

When it comes to the permanent residency application process, it can be difficult to make sure you've crossed all of your t's and dotted your i's. Have you double-checked your eligibility requirements and supporting documentation? It's all too easy to make a mistake when you're applying for a green card. Thorough and careful consideration of US immigration law will make your application much more likely to succeed. That said, you should familiarize yourself with some common pitfalls you could encounter on your path to permanent residence.

1. Making Application Form Mistakes

While USCIS forms are known for their complexity, there is no room for error while filling out your application form. A single mistake—whether it has to do with inaccurate, missing, or false information—can lead to delays or even rejection. Make sure you have the most up-to-date forms and never leave any sections of the form blank. If you do not understand the required fields, it's best to get help from a professional. Employers should also review their noncitizen employees' forms to ensure accuracy and full completion.

2. Lacking the Supporting Documents

You need to prove your eligibility for a green card with specific documentation. The type of proof submitted is critical, so make sure you read the instructions before filing your application. Employers should ensure that their employees' identity verification and work authorization documents are in order, and those looking to sponsor family members should ensure they have authentic marriage and birth certificates.

3. Neglecting to Prepare for Your Interview

If an interview is planned as part of your application process, make sure you take it seriously. Plan ahead as far as possible, arrive early and bring all documents requested by USCIS. Pay close attention if original documents are needed, have English translations and hire a

professional translator if necessary. Even if you are telling the truth, lack of preparation could make your case look unconvincing to the government officer conducting the interview.

4. Failing to Disclose Your Criminal Record

While a criminal record does not immediately disqualify you for a green card, it can lower your chances. You're much more likely to be rejected if you lie about your arrest history and criminal record—in fact, you can even be accused of immigration fraud. When the government orders a biometrics appointment and runs a criminal background check, they will know the extent of your criminal history. There is no reason to falsify or leave out any such information. If you are concerned about your criminal record, you should consult with an experienced attorney.

5. Forgetting the Affidavit of Support

The affidavit of support is crucial to the application process. If your family member is sponsoring you, the government needs to ensure that your family member can support you financially. The family member needs to meet the financial requirements outlined by the affidavit of support. Officials will check tax returns, W-2s, IRS transcripts, and employer verification letters. Do not take this part of the process lightly, because it is needed to prove whether your family member can meet the requirements.

6. Misunderstanding Your Current Immigration Status

If you entered the US without permission you are considered “out of status”. Being “out of status” can also happen when you enter lawfully and remain past the time allotted. The permanent residency process will differ depending on your status. If you entered legally, you will likely attend any interviews in the US (as opposed to your home country), and you can seek adjustment of status. Otherwise, you may need to look into waivers and special programs. Obtaining a green card when you are in the USA out of status can be much harder than if you have lawful status.

7. Entering Into a Sham/Fake Marriage

USCIS is always on the lookout for people who enter into fraudulent marriages for green card purposes. If you attempt a fraudulent marriage both spouses can be fined and/or sentenced to

prison. You may not have intentionally entered into a fake marriage but your marriage could be considered illegitimate under certain circumstances. For instance, if you failed to complete a legal divorce before marrying a new partner or if your marriage is not legal in the country where it took place. If you fail to prove the legitimacy of your marriage, you could raise suspicion and potentially face deportation proceedings.

The United States green card application process is rarely simple or straightforward, but it doesn't have to obstruct your chances of success. A knowledgeable immigration attorney can help you sort through the complexities of US immigration law and decide upon the best course of action. At Williams Immigration, we want you to feel confident about your green card application. Call our office at (678) 322-7039 or email us to discuss your particular case and ensure that you comply with all the legal requirements. Once you've filed a permanent residency application with the support of a knowledgeable attorney, you can breathe a long-awaited sigh of relief.