**Basic Checklist for Spouse of US Citizen/Green Card Holder:**

1. Marriage certificate documenting marriage of Petitioner (the U.S. Citizen or Green card Holder spouse) and Beneficiary (the foreign spouse) to each other.
2. All prior marriages certificates and divorces decrees for both Petitioner and Beneficiary (if applicable). Note if either spouse has been divorced before the divorce decree must be valid where it is obtained, must be valid in the U.S. and also in the U.S. state that you reside in. Also, your marriage after the divorce must also be valid (some states require a waiting period after a divorce before a new marriage). Also, ensure that the divorce has been finalized and been approved by the court. Note that, generally, an immigrant who obtained lawful permanent resident status through marriage, who divorce and remarry, must wait five years from the date their green card status was granted before an I-130 for a new spouse will be approved. The purpose of this rule is to prevent marriage fraud for green cards. The exception to this rule is if the prior spouse passed away within the 5-year period. Lawful permanent residents can file for their new spouses within the five-year period if they can demonstrate by “clear and convincing evidence” that their prior marriage was not the product of immigration fraud, and strong evidence that their current marriage is bona fide.
3. Copy of US Citizen Petitioner’s Certificate of Naturalization, U.S. Birth Certificate, Copy of Petitioner’s U.S. passport identification/data page, or Both sides of Green Card.
4. Birth Certificate of Beneficiary (if you do not have a Birth certificate or your Birth Certificate does not have your name on it, then you will need two notarized Birth Affidavits from different persons who knew of your birth at the time you were born and who was old enough to have such knowledge (such as mother, father, uncle, aunt, family friends, etc.), and secondary evidence of who your parents are, such as school records, hospital birth records, church or religious records. If you are filing without a birth certificate (e.g. using affidavits), then:
   1. If a birth certificate is available, then please obtain it as you may need it during an RFE - you may not have sufficient time to obtain it after RFE is issued, so please do as soon as possible in anticipation of the RFE.
   2. If a birth certificate is NOT available (e.g. your birth was not registered), then please obtain a certificate of non-availability of the birth certificate (if one is issued by your country, e.g. India does issue this document), as you may need it during an RFE - you may not have sufficient time to obtain it after RFE is issued, so please do as soon as possible in anticipation of the RFE.
   3. You can use our birth affidavit tool to create your birth affidavits, see <http://immlegal.com/bat/>.
5. All Beneficiary’s Immigration Documents (as applicable)
   1. I-797 Notices
   2. I-94
   3. U.S. Visas
   4. Beneficiary’s foreign passport identification/data page
   5. Any other immigration documents by USCIS, CBP, Immigration Court
6. Four Passport Sized Photos of Beneficiary & Four Passport Sized Photos of Petitioner  
   All photos must be passport-style color photos (2"x2"), taken within 30 days of the date of this application. The photos must have a white background and be glossy unretouched and not mounted. The dimensions of the full-frontal facial image should be about 1 inch from the chin to top of the hair. Using pencil or felt pen, lightly print the name (and Alien Registration Number, if known) on the back of each photograph. Please go here to check most recent requirements: <https://travel.state.gov/content/travel/en/passports/requirements/photos.html>
7. Medical Test Results (sealed by doctor)   
   - Procuring Medicals: the Green Card applicant is required to get a medical report from an authorized doctor, you can find a list of authorized doctors close to you here: <https://www.uscis.gov/greencard/medical-exam-find-a-doctor>  
   - Please ensure medicals are not signed more than 30 days prior to sending them to us.

- If the foreign national spouse is not presently in the US and will instead proceed with consular processing, please ignore this step.

1. Translation of any foreign language documents into English (if necessary), you may obtain certified translations from a translation service of your choice with experience in translations for USCIS, we have used the following service in the past <https://jrlanguage.com/>. NOTE: You must provide a copy of the foreign language documents AND the certified translation.
2. Evidence of any Arrests or Criminal Convictions of Petitioner and/or Beneficiary (if applicable, please contact us).
3. IMPORTANT:
   1. If the immigrant spouse has entered the U.S. on a tourist visa or a similar non-immigrant intent status, it may be advisable in most cases to wait until 90 days have passed since the entry into the U.S. before applying for Adjustment of Status, in such cases, please discuss this matter with us.
   2. If the potential applicant has previously applied for a green card (e.g. through a prior marriage, through asylum, or through an employer), please discuss this matter with us.
   3. If the immigrant spouse has entered the U.S. without inspection (e.g. crossed the U.S. border illegally), then the immigrant spouse may not be eligible for Adjust of Status within the U.S. and may need a waiver, please discuss this matter with us.
   4. Generally, an immigrant who obtained lawful permanent resident status through marriage, who divorce and remarry, must wait five years from the date their green card status was granted before an I-130 for a new spouse will be approved. The purpose of this rule is to prevent marriage fraud for green cards. The exception to this rule is if the prior spouse passed away within the 5-year period. Lawful permanent residents can file for their new spouses within the five-year period if they can demonstrate by “clear and convincing evidence” that their prior marriage was not the product of immigration fraud, and that their current marriage is bona fide.