

Case Overview

Case Type

Immigration (Family-Based Petition)

Summary

The client, Maria Lopez, a 30-year-old lawful permanent resident (LPR), is seeking to petition for her spouse, Carlos Lopez, a 32-year-old citizen of Mexico, to join her in the United States. Carlos is currently residing in Mexico. Maria and Carlos married in 2019 and have maintained a continuous and bona fide marital relationship since. Maria has stable employment in the U.S., earning approximately \$45,000 annually.

Potential Red Flags:

- Maria became a lawful permanent resident only two years ago. The timeline might raise additional questions about her marital relationship, requiring strong evidence to prove the bona fides of the marriage.
- Carlos previously overstayed a U.S. visa by six months in 2016, which could complicate his admissibility.

Additional Background

Maria obtained her LPR status through an employment-based green card. She is currently employed as a teacher in Arizona. The couple has maintained contact through visits, phone records, and remittances, all of which can be documented. Carlos has no criminal history in either Mexico or the United States, and the overstay in 2016 was his only immigration violation.

Documents Available

Document	Translation Needed?
Marriage Certificate	No
Maria's Green Card (copy)	No

Proof of Maria's Income (pay stubs, W-2)	No
Photos of the couple together	No
Carlos's Birth Certificate	Yes
Records of Carlos's prior visa	No
Communication logs (texts, emails)	No

Suggested Legal Strategy and Steps Moving Forward

1. **File I-130 (Petition for Alien Relative):** Maria should file Form I-130 with the USCIS to establish her relationship with Carlos. Include evidence of their bona fide marriage, such as photos, joint accounts, travel records, and affidavits from family and friends.
2. **Address Potential Inadmissibility:** Prepare a waiver application (I-601) to address Carlos's prior visa overstay, if necessary, showing that his inadmissibility would cause extreme hardship to Maria.
3. **Consular Processing:** Once the I-130 is approved, Carlos will apply for an immigrant visa through consular processing in Mexico. Maria and Carlos should ensure all documentation is translated and submitted promptly.
4. **Support Evidence of Financial Stability:** Provide sufficient evidence of Maria's income to meet the affidavit of support requirement (Form I-864).

Recommendations for Next Steps

- Gather all supporting documentation, including financial records and marital evidence.
- Consult with an immigration attorney to prepare the waiver (if needed) and review the case before submission.
- Ensure timely responses to any USCIS requests for evidence.