

FIX YOUR IMMIGRATION STATUS



WITHOUT FEAR

The guide that helps you discover if you may qualify and understand how much your process could cost.



IMPORTANT NOTICE

This e-book provides general educational information. Immigration laws, policies, fees, and procedures may change. This information is not a substitute for an individual review by a person authorized to provide legal advice, and it does not create an attorney-client relationship.

What this edition covers

1. Possible immigration paths and the factors that may affect them.
2. What a family petition does - and does not do.
3. What it means to apply for adjustment of status inside the United States.
4. How consular processing works and when a waiver may be relevant.
5. What an immigration consultant may provide and when legal advice is necessary.

INTRODUCTION

You are not alone, and you do not have to rely on rumors

Uncertainty about your immigration situation can affect every part of your life: your work, your plans, your peace of mind, and your family's emotional security. It is easy to feel paralyzed when different people give you conflicting answers.

This guide explains several common immigration processes in plain language. It is not intended to tell you whether you qualify or to recommend a legal strategy. Its purpose is to help you recognize the information you should document and the questions you should take to someone who is authorized to evaluate your circumstances.

Our honest promise

We are not attorneys. Our services are limited to nonlegal immigration document preparation. We assist with organizing the information you provide, preparing forms selected by you or your legal representative, translating documents, organizing supporting records, and providing administrative follow-up for the services you retain.

We do not provide legal advice or guarantee results. All decisions are made independently by USCIS, the Department of State, immigration courts, and other government agencies.

If your case requires legal advice, an evaluation of your eligibility, legal strategy, defense, or representation before immigration authorities, you should consult a licensed immigration attorney or a DOJ-accredited representative working through a recognized organization.

How to use this book

1. Read one chapter at a time and write down the questions that relate to your history.
2. Gather records of entries and departures, prior petitions, immigration decisions, arrests, or court proceedings, if any.
3. Do not file an application or leave the United States solely because of what you read here.
4. Seek authorized legal advice when you need to know whether an option applies to your case.

Your next step is a free consultation.

→ Book your free consultation: call [1-800-435-2997](tel:1-800-435-2997) or visit adrianasimmigration.com

You may have immigration options you have not yet explored

Many people believe there is no possible option because they entered without a visa, remained after their authorized stay expired, or received discouraging information years ago. A reliable conclusion, however, depends on many facts and cannot be reached through a single question.

Do not give up before getting reliable information

A friend's comment, a social-media story, or another person's result does not determine your situation. Two cases that appear identical may have different outcomes because of a date, a departure, an old petition, a removal order, a criminal issue, or visa availability.

3 questions that may help identify possible immigration paths

1. How did you most recently enter the United States? Admission with a visa, a grant of parole, or entry without inspection may affect which processes are available.

2. What is your complete immigration history? Prior entries and departures, petitions, applications, removal or deportation orders, and contact with immigration authorities can all matter.

3. What family relationships or other relevant circumstances do you have? A spouse, parent, child, sibling, experience of abuse, victimization, or other circumstances may relate to different categories, each with its own requirements.

THESE QUESTIONS DO NOT DETERMINE ELIGIBILITY

Criminal history, fraud or misrepresentation, false documents, unlawful presence, old petitions, visa availability, immigration-court proceedings, and many other circumstances may also matter. Legal eligibility must be evaluated by someone authorized to provide legal advice.

Rosa's story

Rosa had lived in the United States without immigration status for more than 20 years. For a long time, she believed she could never begin a process. As her U.S. citizen son approached age 21, the possibility arose that he could file a family petition for her.

That did not automatically mean Rosa could obtain permanent residence from inside the United States. An authorized legal professional still needed to review how she entered, whether she had departed, prior petitions, removal orders, criminal history, and any other issue that could affect a future process.

The lesson is not that every parent of a U.S. citizen age 21 or older can receive a Green Card. The lesson is that a change in family circumstances may justify an updated legal review and that no one should rely exclusively on an old opinion or another person's experience.

Questions that help document your history

- How and when did you enter and leave the United States each time?
- Has anyone ever filed an immigration petition for you or for one of your parents?
- Have you received any immigration order, appointment notice, decision, or other document?
- Have you used another name, document, or information in an immigration matter?
- Have you had any arrest, charge, or conviction, even if the case was dismissed?
- Which relatives are U.S. citizens or lawful permanent residents, and how are you related?

A family petition may be the first step toward beginning your immigration journey.

What is a petition?

A family petition is a request filed by a U.S. citizen or lawful permanent resident asking USCIS to recognize a qualifying family relationship within an immigration category. Depending on the relationship, a U.S. citizen may petition for certain spouses, children, parents, or siblings. A lawful permanent resident may petition for certain spouses and children.

A petition is NOT a Green Card

KEY POINT

Filing or receiving approval of a family petition does not automatically grant lawful status, employment authorization, permanent residence, or protection from detention or removal. An approved petition may be a necessary part of certain future immigration processes, but the beneficiary must complete the remaining steps and meet every applicable requirement.

Think of the petition as recognition of a family relationship for immigration purposes. It is not the final Green Card decision. Additional steps may include waiting for visa availability, applying for adjustment of status, completing consular processing, requesting a waiver when appropriate, or resolving other legal issues.

A general example

A U.S. citizen son turns 21 and files a petition for his mother. The petition seeks to establish the parent-child relationship. Even if USCIS approves the petition, important questions remain:

- How did the mother enter the United States?
- Does she have evidence of admission or parole?
- Has she departed and returned?
- Does she have prior petitions, a removal order, or a case in immigration court?
- Is there an immigration or criminal issue that may create inadmissibility?
- Can she complete a process inside the United States, or would consular processing be required?
- What does a petition do?

A petition may establish the family relationship that allows an immigration process to begin or move forward. Some categories involve a waiting period and depend on the Visa Bulletin. In other categories, a visa may be immediately available,

but that does not eliminate the remaining requirements.

What a petition does not decide

- It does not, by itself, decide whether the beneficiary may adjust status inside the United States.
- It does not automatically waive unlawful presence, fraud, multiple entries, prior orders, or criminal issues.
- It does not independently authorize employment.
- It does not independently prevent detention or removal.
- It does not guarantee approval of an immigrant visa or Green Card.

Questions families often ask

Can a lawful permanent resident file a petition?

Yes, for certain relatives and within specific categories. Timing and visa availability may differ from those that apply to a U.S. citizen petitioner.

Can an old petition still matter?

It may. Keep receipts, approval notices, and all related records. An authorized legal professional should evaluate whether the petition may support a benefit or protection under a specific provision.

Can I work because my petition was approved?

Not automatically. Employment authorization depends on an eligible category and, when required, an employment authorization application that USCIS approves.

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CHAPTER 3

Adjustment of status: applying for permanent residence inside the United States

What is adjustment of status?

Adjustment of status is the process that allows certain people to apply for lawful permanent residence without leaving the United States. Whether someone may use this process depends on the immigration category, manner of entry, visa availability, inadmissibility grounds, and other legal requirements.

Not everyone with a qualifying relative may adjust status

Having a U.S. citizen or lawful permanent resident spouse, parent, child, or other relative does not automatically allow a person to file for adjustment of status. Before filing, an authorized legal professional should review factors including:

- inspection and admission or parole;
- an approved petition or a concurrently filed petition, when permitted;
- immediate visa availability in the relevant category;
- entries, departures, unlawful presence, and possible removal orders;
- criminal and immigration history;
- fraud, misrepresentation, or other possible grounds of inadmissibility.

Marriage to a U.S. citizen and marriage to a permanent resident are not the same

The spouse of a U.S. citizen and the spouse of a lawful permanent resident fall within different immigration categories. Immediate relatives of U.S. citizens may have rules and exemptions that do not apply in the same way to a permanent resident's preference-category relative. Preference categories also require visa availability.

What may be included in the filing package?

Depending on the case, an adjustment package may include the permanent residence application, a family petition, financial sponsorship documents, a medical examination, civil documents, and supporting evidence. Some requests may be filed together, while others require a different sequence.

A WORK PERMIT IS NOT AUTOMATIC

Depending on the immigration category and the applications filed, some people may request employment authorization while their case is pending. Filing the request does not guarantee approval, and not every category permits it.

Parole in place for certain military families

Certain relatives of current or former members of the U.S. Armed Forces may be considered for parole in place on a case-by-case basis. A grant of parole may help satisfy certain immigration requirements, but it is discretionary and does not guarantee permanent residence. Current rules, fees, and procedures should be confirmed before filing.

INA section 245(i)

Some people may be grandfathered under INA section 245(i) if they were beneficiaries - or, in certain situations, derivative beneficiaries - of a qualifying petition or labor certification filed on or before April 30, 2001. Additional requirements apply, including physical-presence rules for some filings, and every case requires individual legal analysis.

Maria's story

Maria entered the United States with a visa, remained after her authorized stay expired, and later married a U.S. citizen. Her documented admission and marriage to a U.S. citizen were important facts that justified a legal review of whether she could apply for adjustment of status.

Her story does not mean every person who entered with a visa and married a U.S. citizen may adjust. Later departures, removal orders, fraud, certain criminal history, or other issues may change the analysis. Maria needed an authorized legal professional to review her complete history before she filed.

Questions worth asking

- *Do I have evidence of my admission or parole?*
- *Is a visa available in my category?*
- *Does any prior departure, order, or application affect my process?*
- *Should a petition and adjustment application be filed together or separately?*
- *May I request employment authorization in my category?*
- *Do I need legal advice about inadmissibility or criminal history?*

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CHAPTER 4

Consular Process and Waivers: understand every step before departing

What is consular processing?

Consular processing is the path through which a person applies for an immigrant visa at a U.S. Embassy or Consulate outside the United States. It generally begins with an approved petition. The case may then proceed through the National Visa Center (NVC), fee payments, civil and financial documents, the immigrant visa application, a medical examination, and a consular interview.

If you are currently inside the United States

A person who cannot adjust status inside the United States may need to complete the process through a consulate. Leaving the country, however, can trigger serious immigration consequences. No one should assume it is safe

to depart merely because a petition has been approved, or an interview has been scheduled.

UNLAWFUL PRESENCE: THE 3-YEAR AND 10-YEAR BAR

In general, more than 180 days but less than one year of unlawful presence may trigger a 3-year bar when the person leaves the United States. 12 months or more of unlawful presence may trigger a 10-year bar. Calculating unlawful presence and its exceptions is complex and requires an individual review before travel.

What is a Waiver?

In certain cases, a person may request a waiver of a specific ground of inadmissibility. Approval is not guaranteed and depends on meeting every requirement of the particular waiver. A waiver does not erase every possible immigration issue.

The Provisional Unlawful Presence Waiver

Form I-601A allows certain individuals to request, before departing the United States, a provisional waiver that addresses only specified unlawful-presence bars. Approval does not grant status, does not permit adjustment of status inside the country, and does not guarantee that the consulate will approve the immigrant visa.

WHO IS A QUALIFYING RELATIVE FOR THIS WAIVER?

For a provisional unlawful presence waiver, the applicant generally must show extreme hardship to a U.S. citizen or lawful permanent resident spouse or parent. A child may be relevant to the family's overall circumstances, but a child is not ordinarily the qualifying relative for this waiver solely because of the parent-child relationship or military service.

Examples of factors that may be considered in an extreme-hardship analysis

- Health: diagnoses, treatment, access to care, and dependence on the applicant.
- Finances: income, debt, housing, employment, and special household needs.
- Education and caregiving: interrupted education, special services, or caregiving responsibilities.
- Personal and family ties: separation, length of residence, support networks, and family responsibilities.
- Special conditions: safety, language, culture, access to services, and relevant country conditions.
- These are examples of evidence, not five independent legal requirements. No single factor guarantees approval. The circumstances are considered together and must be documented credibly.

Consular processing, step by step

1. Petition: USCIS decides whether the qualifying family relationship has been established.
2. NVC processing: fees are paid, and the visa application, civil documents, and financial sponsorship materials are submitted.
3. Waiver, if necessary and if the person meets the requirements: a waiver is requested for a specific ground of inadmissibility.
4. Medical examination and consular interview: the officer reviews the application and visa eligibility.
5. Decision: the consulate may approve, request documents, require additional processing, or identify another issue.
6. Entry to the United States: if the visa is approved, the person must still be inspected and admitted at a port of entry.

A PRIOR APPROVAL DOES NOT GUARANTEE THE VISA

After a provisional waiver is approved, the applicant must still complete consular processing. The consulate may identify other grounds of inadmissibility. A prior waiver approval does not guarantee final approval of the immigrant visa.

About the Green Card

If a person is admitted with an immigrant visa, the person generally becomes a lawful permanent resident upon entry. The physical card is produced after the applicable steps and payments. Some residents receive conditional status for two years, and every physical card has an expiration date, even though permanent resident status does not necessarily end when the card expires.

The Sanchez Family: An illustrative example

Imagine a married couple in which one spouse accrued unlawful presence and must explore consular processing. The U.S. citizen spouse's health, financial dependence, caregiving needs, and other circumstances could be relevant to an extreme-hardship review. Only an authorized legal professional, however, can determine which waiver may apply and how to present a legal argument.

QUESTIONS TO ASK BEFORE DEPARTING

How was my unlawful presence calculated, and do any exceptions apply?

Do I have a prior removal order, departure, or repeated entry?

Is there any other possible ground of inadmissibility?

*Do I need a waiver, and who is my qualifying relative?
Is my NVC case complete, and is a visa available?
Have I received authorized legal advice about the risk
of departure?*

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CHAPTER 5

Clear services, transparent pricing, and professional boundaries

We provide a different service from an attorney

An attorney may provide legal advice, evaluate eligibility, analyze inadmissibility or criminal issues, recommend legal strategies, and represent a person in authorized proceedings. A California immigration consultant does not provide those legal services. It is therefore inaccurate to claim that a consultant and an attorney provide exactly the same service.

Adriana's Immigration Services focuses on clearly defined nonlegal services and an organized client

experience. The scope and price of the service should be explained in writing before work begins.

Services we may provide

- Preparing forms with information supplied by the client.
- Translating documents.
- Organizing documents and evidence supplied by the client.
- Administratively assembling filing packages at the client's direction.
- Tracking receipts, notices, and dates within the retained service.
- Providing clear administrative updates and identifying outstanding documents.

Transparent prices and payment plans

We understand that an immigration matter can be a significant expense. We may therefore offer clearly defined prices and, when available, payment plans for our services. Government filing fees, medical examinations, outside translations, shipping, and other costs may be separate and should be explained before the client signs an agreement.

CALIFORNIA REGISTRATION AND BOND REQUIREMENTS

Our consultants comply with the California registration, background-check, and bond requirements that apply to immigration consultants. This statement should be confirmed internally for every individual advertised as or acting as an immigration consultant.

When you need an attorney or accredited representative

- When you need to know which immigration benefit you qualify for or which strategy to choose.
- When there are arrests, convictions, fraud, misrepresentation, or false documents.
- When there are removal orders, immigration-court proceedings, detention, or appeals.
- When unlawful presence, inadmissibility, waivers, or departure risks must be analyzed.
- When legal representation is needed before USCIS, a consulate, or immigration court.

Only a licensed attorney or a DOJ-accredited representative working through a recognized organization may provide immigration legal advice. To appear in immigration court, an accredited representative must have full accreditation.

Free initial evaluation of our services

During a free initial service evaluation, we may learn what type of administrative help you are seeking, explain the nonlegal services we provide, and describe the general documents needed to begin a service engagement. This conversation is not legal advice and does not determine immigration eligibility. If your questions require legal analysis, we will recommend that you speak with an authorized legal professional.

CLOSING

Your next step is to get clear, reliable information

You now know the difference between a petition and a Green Card, the general elements of adjustment of status, the risks that may arise during consular processing, the limited function of a waiver, and the difference between a consultant's services and an attorney's services.

Reading a guide does not replace an individual legal evaluation. Do not file documents you do not understand, and do not leave the United States for a consular interview without understanding the possible risks.

SCHEDULE A FREE INITIAL EVALUATION OF OUR SERVICES

We can explain our document-preparation, translation, and organization services. This evaluation is not legal advice and does not determine whether you qualify for an immigration benefit.

OFFICIAL REFERENCE SOURCES

Resources consulted during the editorial review. Always verify the current version before publication.

Topic	Official source
Representation and Consultant Limits	U.S. Department of Justice, EOIR - Can Someone Represent You Before EOIR? https://www.justice.gov/eoir/can-someone-represent-you-eoir
California Immigration Consultants	California Secretary of State - Immigration Consultant Qualification Requirements https://www.sos.ca.gov/business-programs/special-filings/immigration-consultant-qualifications
Adjustment of Status	USCIS - Adjustment of Status https://www.uscis.gov/green-card/green-card-processes-and-procedures/adjustment-of-status
Provisional Waiver	USCIS - Provisional Unlawful Presence Waivers https://www.uscis.gov/family/family-of-us-citizens/provisional-unlawful-presence-waivers
Consular Process	U.S. Department of State - Immigrant Visa Process https://travel.state.gov/content/travel/en/us-visas/immigrate/the-immigrant-visa-process.html



Come talk to us. **It's free. It's private.** And it could change everything for your family.

Your next step is a free consultation

Book your free consultation today.

Call: [1-800-435-2997](tel:1-800-435-2997)

Online: adrianasimmigration.com

Adriana's — over 30 years helping families, with offices across Southern California and the Central Valley. We are not attorneys, and we never promise an outcome. We give you clarity.