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Pros and Cons of Adjustment of Status and Consular Processing for Green Card

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Submitted by Chief Editor on Oct 25th 2017

My H1B (6 years) was from 10/1/2004 - 9/30/2010 from 5 different companies. Company A - PD(EB3) - Jun 19, 2007, I-140 applied on July 9, 2007, I-485 filed July 17, 2007 - got laid off Oct 31, 2008. - I-140 approved on Dec 29, 2008. Moved to Canada in July 2012 and became Canadian Citizen in Apr 2017. I have been keeping Advance Parole active by visiting the USA every year. Now I want to add my family in Canada(wife(Indian Citizen with USA visitors visa) and kid(Canadian Citizen)). Do you recommend AOS for myself and Consular Processing for my family?

ANSWER:

[Watch the Video on this FAQ: Pros and cons of adjustment of status and consular processing for green card](#) ^[2]

Video Transcript:

You have got your I-485 filed and that's a good thing and you kept it alive by keeping your advance parole alive, but you need a job offer and you need to file Supplement J. So if you want to take advantage of AC21 you have to move over to a new employer get a new job offer and use Supplement J to indicate to the USCIS that you are going through another employer. You have two choices. You can split the green card. You going through adjustment of status, you enter the USA with your Advance Parole and you file form I-824 for your family to go through green card processing through consular processing in Canada. So you can either bring them all in on an H-1/H-4 type visa or you can do your adjustment of status and let them do their consular processing. You should not convert yourself to consular processing that could probably end in the loss of a green card. You are taking advantage of AC21 which as far as I know is available only in adjustment of status. It is not available in consular processing. Hence adjustment of status for you and consular processing for your family makes sense. [More...](#) ^[2]

Note: This is a verbatim transcript of the referenced audio/video media delivered as oral communication, and, therefore, may not conform to written grammatical or syntactical form.

Nonimmigrant Visas:

[H-4 Visa](#) [3]

[H-1 Visa](#) [4]

[General Nonimmigrant Visa](#) [5]

Green Card:

[Adjustment of Status](#) [6]

[AC21 AOS Portability](#) [7]

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[Form I-485](#) [10]

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FAQ Transcript:

Note: This is a verbatim transcript of the referenced audio/video media delivered as oral communication, and, therefore, may not conform to written grammatical or syntactical form.

Unless the context shows otherwise, all answers here were provided by [Rajiv](#) [12] and were compiled and reported by our editorial team from comments and blog on [immigration.com](#) [13]

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Links:

[1] <https://immigration.com/faq/adjustment-status-ac21-aos-portability-advance-parole-consular-processing-form-i-485-supplement>

[2] <https://youtu.be/1oSVrcU8O4g?t=59>

[3] <https://immigration.com/visa/nonimmigrant-visas/h-visa/h-4-visa>

[4] <https://immigration.com/visa/nonimmigrant-visas/h-visa/h-1-visa>

[5] <https://immigration.com/visa/nonimmigrant-visas/general-nonimmigrant-visa>

[6] <https://immigration.com/greencard/green-card/adjustment-status>

[7] <https://immigration.com/greencard/green-card/adjustment-status/ac21-aos-portability>

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- [11] <https://immigration.com/greencard/green-card/supplement-j>
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