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Spouse's status -- Are you a US Citizen?

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Submitted by Chief Editor on Feb 19th 2010

I recently got married and my wife is in F1 and has completed her MBA in december and is on CPT till Feb 2010. So whats the best way to get her status changed/adjusted.I am from Nepal and so if I go about filing I 130 how long does it take and can I file simultaneously AOS or not. If AOS is approved can she stay till I 130 get approved.Or I cant file AOS till I 130 approved

ANSWER:

If you are a US citizen, there is no problem. You apply for her AOS simultaneously. If you are a green card holder, you cannot file AOS until the priority date is current and she cannot stay in USA based upon your application. She should probably think of H-1.

Unless the context shows otherwise, all answers here were provided by Rajiv [2] and were compiled and reported by our editorial team from comments and blog on immigration.com [3]

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