



Published on *US Immigration Lawyer, Law Offices of Rajiv S. Khanna, PC, Rajiv S. Khanna* (<https://immigration.com>)

File I-485 while J-1 waiver is pending

File I-485 while J-1 waiver is pending ^[1]

Submitted by Chief Editor on Mar 8th 2010

I am currently in the US under the VWP which expires March 15. I was about to apply for a marriage-based GC but I just found out that I am subject to 2-years HRR. I applied for a waiver (no objection). A lawyer told me today that I should still file the I-485 and just leave the question "subject to" blank or check "yes" and add "waiver pending". Is that going to work? I don't want to overstay the VWP. How many days does it usually take to find out that I-485 submission got accepted and I can legally overstay the VWP?

ANSWER:

To the best of my knowledge that information is incorrect. You can file AOS only after the waiver is approved.

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]

Add new comment ^[4]

Source URL (retrieved on 10 Aug 2020 - 12:38): <https://immigration.com/faq/j-1-visa/file-i-485-while-j-1-waiver-pending>

Links:

[1] <https://immigration.com/faq/j-1-visa/file-i-485-while-j-1-waiver-pending>

[2] <http://www.immigration.com/law-offices-rajiv-s-khanna-pc>

[3] <http://www.immigration.com>

[4] <https://immigration.com/JavaScript%3Avoid%280%29%3B>