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J-1 Physician applying for following to join after waiver

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Submitted by Chief Editor on Mar 2nd 2017

I am a physician currently in H-1B undergoing 3 years of J-1 waiver program which is set to be completed on July end of this year. My husband got his greencard through E-B2 category (rest of the world) in early 2013 When I was still in J-1. My name was included in I-140 but could not file I-485 due to my J-1 visa. I have been married since 2006 and came to the US initially on H-4 visa before getting residency in J-1 visa. Is there a possibility of filing my I-485 directly without waiting for the long I-130 approval process? Or is there any exceptions for a situation like mine such that spouse happened to be in J1 and could not apply for a change of status at the time primary applicant applied for I-485?

ANSWER:

Watch Video on this FAQ: J-1 Physician applying for following to join after waiver ^[2]

Video Transcript:

Yes, if you are in the USA in legal status and his priority date through which he got his green card is still current you should be able to file your I-485 directly. 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:

J-1 Visa ^[3]

H-4 Visa ^[4]

H-1 Visa ^[5]

Green Card:

Employment Based Green Cards ^[6]

EB2 Green Card ^[7]

[Form I-130](#) [8]

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FAQ Transcript:

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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/employment-based-green-cards-eb2-green-card-form-i-130-form-i-485/j-1-physician-applying>

[2] <https://youtu.be/HVOjYpLmmk?t=2009>

[3] <https://immigration.com/visa/nonimmigrant-visas/j-visa/j-1-visa>

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

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

[6] <https://immigration.com/greencard/green-card/employment-based-green-cards>

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[11] <https://immigration.com/law/immigration-law/waiver>

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

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

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