

Instructions

EXCEPT AS NOTED BELOW, THE INSTRUCTIONS CONTAINED ON THE FORM I-485 PERTAIN TO APPLICATIONS FOR ADJUSTMENT OF STATUS UNDER THE PROVISIONS OF SECTION 902 OF PUBLIC LAW 105-277, THE HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT (HRIFA).

What Is the Purpose of This Form?

In addition to the other purposes of the form listed in the instructions, Form I-485 may be used by a national of Haiti who is seeking lawful permanent resident status pursuant to HRIFA and Title 8 of the Code of Federal Regulations, section 245.15.

Who May File This Application?

You may file this application if you:

1. Are a national of Haiti;
2. Qualify as a dependent applicant under HRIFA (see below);
3. Are admissible to the United States;
4. Have been continuously present in the United States since December 31, 1995, (except that a spouse or child of a principal applicant need not meet this particular requirement); **and**
5. Are physically present in the United States when the application is filed.

What is a "dependent applicant?"

You may qualify as a dependent applicant if you meet the requirements under "Who May File This Application?" **and** are the spouse, child, or unmarried son or daughter (over 21 years of age) of a principal applicant. Your relationship to the principal applicant must have been created prior to the date on which the principal applicant becomes or became a permanent resident.

What is meant by "admissible to the United States?"

You are ineligible for adjustment of status under HRIFA if you are inadmissible to the United States under any of the grounds of inadmissibility contained in section 212(a) of the Immigration and Nationality Act (INA), with the exception of

those grounds which do not apply to HRIFA applicants or from which an individual waiver has been granted. The following inadmissibility sections of the INA do not apply to HRIFA adjustment applicants:

1. Section 212(a)(4) - an alien likely to become a public charge;
2. Section 212(a)(5) - an alien without a labor certification or proper qualifications for certain occupations;
3. Section 212(a)(6)(A) - an alien present without admission or parole;
4. Section 212(a)(7)(A) - an alien not in possession of a valid immigrant visa; **and**
5. Section 212(a)(9)(B) - an alien unlawfully present in the United States.

In addition, you may be eligible for an individual waiver pertaining to certain medical, criminal, documentary and other grounds of inadmissibility.

How does an unmarried son or daughter establish continuity of physical presence since December 31, 1995?

In determining whether you have maintained continuous physical presence in the United States since December 31, 1995, the law allows absences from the United States totaling 180 days or less. You are required to submit a statement on a separate piece of paper listing the dates of departure and return of all absences from the United States since your last arrival on or prior to December 31, 1995. If you have not been absent from the United States, write "I have not been outside the U.S. since my arrival on the date indicated in Part 1 of Form I-485."

You must also support your statement regarding continuity of physical presence since December 31, 1995, by submitting documentation from one or more governmental or non-governmental authorities. This evidentiary requirement is **in addition to** the list of departures and returns discussed above. The document(s) must bear your name (or the name of a family member with whom you can establish that you were co-habiting), the date of issuance, and (if the document

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normally contains it) the signature, seal or other authenticating instrument of the issuing authority. While you do not need to submit documents covering each and every day or month since December 31, 1995, there should be no large, unexplained gaps in the documentation. Examples of such documents might include (but are not limited to) rent receipts, school records, utility bills, other dated receipts, personal checks, employment records, and credit card statements.

General Instructions.

Step 1. Fill Out the Form I-485

1. Type or print legibly in black ink.
2. If extra space is needed to complete any item, attach a continuation sheet, indicate the item number, and date and sign each sheet.
3. Answer all questions fully and accurately. State that an item is not applicable with "N/A." If the answer is none, write "none."

Important Note

When completing the application for adjustment under HRIFA you **MUST** indicate, in **Part 2**, of the Form I-485, the classification you are seeking. **Check Block H** and write whichever ONE of the following is appropriate:

1. HRIFA Dependent - Spouse.
2. HRIFA Dependent - Child under 21 years old.
3. HRIFA Dependent - Unmarried son or daughter.

Step 2. General requirements

Evidence of qualification as a dependent applicant.

The evidence needed to qualify as a dependent applicant depends on which type of dependent applicant you claim to be.

1. **Spouse or child of a principal applicant.** If you are the spouse or unmarried, minor (under 21 years of age) child of a principal applicant, you must submit evidence of your relationship to the principal applicant. You do not need to submit any documentation establishing either presence in the United States on December 31, 1995, or continuity of presence since that date. (See Evidence below.) You must, however, be present in the United States at time of filing.

2. **Unmarried son or daughter of an principal applicant.** If you are the unmarried son or daughter (over 21 years of age) of a principal applicant, you must submit evidence of your relationship to the principal applicant. You must also submit evidence of your continuity of presence in the United States since December 31, 1995, along with a statement regarding all departures and arrivals from the United States. You do not need to submit evidence of your presence in the United States on December 31, 1995. You must, however, be present in the U.S. at time of filing.

Other evidence.

If you are 14 years of age or older, you **must** submit a police clearance from each municipality where you resided for six months or longer since arriving in the United States. If your local police authority refuses to provide such clearance, you may submit written evidence to that effect and request that this requirement be waived. You are not required to submit either an employment letter or an affidavit of support.

What if the documentation is already contained in my immigration file?

If you have received correspondence or had other interaction with the Service, and know that your immigration file contains copies of such correspondence or record of such interaction, you may simply submit a statement listing the type and dates of such evidence which is already contained in your immigration file.

Translations. Any document containing foreign language submitted to the Service shall be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English.

Copies. Unless specifically required that an original document be filed with an application or petition, an ordinary legible photocopy may be submitted. Original documents submitted when not required will remain a part of the record, even if the submission was not required.

Affidavits. If a required document cannot be obtained, you must submit either an original written statement from the governmental agency that should have the record, verifying that the record does not exist or a citation to the Department of State Foreign Affairs Manual indicating that such records are

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generally not available. Only then may you submit written affidavits sworn to or affirmed by two persons who were living at the time and who have personal knowledge of your marriage, divorce or other legal termination as evidence. Each affidavit must contain the affiant's full name, address, date and place of birth, and signature. The affidavit must also explain the affiant's relationship to you, full information concerning your marriage or divorce and complete details of how the affiant acquired the information.

Where To File.

Only a dependent spouse and/or child of the principal granted legal status under HRIFA are eligible to apply for benefits under HRIFA. *The filing period for principal HRIFA applicants has closed.* All applications for HRIFA dependents must be filed at the Nebraska Service Center.

USCIS Nebraska Service Center
P.O. Box 87245
Lincoln, NE 68501-7245

However, if you are in exclusion, deportation, or removal proceedings, you should submit the application to the Immigration Court which has jurisdiction over your case. However, if such proceedings have been administratively closed, submit the application to the Nebraska Service Center.

What Is the Filing Fee?

See instructions for Form I-485, Application to Register Permanent Residence or Adjust Status, for the required filing fee.

Address Changes.

If you change your address and you have an application or petition pending with USCIS, you may change your address on-line at www.uscis.gov, click on "Change your address with USCIS" and follow the prompts or by completing and mailing Form AR-11, Alien's Change of Address Card, to:

U.S. Citizenship and Immigration Services
Change of Address
P.O. Box 7134
London, KY 40742-7134

For commercial overnight or fast freight services only, mail to:

U.S. Citizenship and Immigration Services
Change of Address
1084-I South Laurel Road
London, KY 40744

Processing Information.

Can an applicant receive employment authorization while the adjustment application is pending?

You may request authorization to work in the United States while your application for adjustment of status under HRIFA is pending by filing Form I-765, Application for Employment Authorization. You should follow all the directions on that form pertaining to "Adjustment Applicant - (c)(9)," EXCEPT that you must file the application for employment authorization in one of the following manners.

1. If you **are not** in exclusion, deportation, or removal proceedings and are filing concurrently with an I-485 adjustment application, mail your application to:

USCIS Nebraska Service Center
P.O. Box 87245
Lincoln, NE 68501-7245

If you **are** in exclusion, deportation, or removal proceedings and are filing subsequent to the filing of your I-485 adjustment application, mail your application to:

USCIS Nebraska Service Center
P.O. Box 87131
Lincoln, NE 68501-7131

2. If you are currently in exclusion, deportation, or removal proceedings, file it with the USCIS office having jurisdiction over your place of residence in the United States.

You may receive work authorization if your application has been pending with USCIS for more than 180 days. However, work authorization may be issued earlier if your application for adjustment of status is supported by evidence that is verified by USCIS from its records.

Requests for more information or interview. We may request more information or evidence, or we may request that you appear at a USCIS office for an interview. We may also request that you submit the originals of any copy. We will return these originals when they are no longer required.

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USCIS Forms and Information.

To order USCIS forms, call our toll-free number at **1-800-870-3676**. You can also get USCIS forms and information on immigration laws, regulations and procedures by telephoning our National Customer Service Center at **1-800-375-5283** or visiting our internet website at **www.uscis.gov**.

As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our internet-based system, **InfoPass**. To access the system, visit our website. Use the **InfoPass** appointment scheduler and follow the screen prompts to set up your appointment. **InfoPass** generates an electronic appointment notice that appears on the screen.

Penalties.

If you knowingly and willfully falsify or conceal a material fact or submit a false document with the Form I-485, we will deny your application and may deny any other immigration benefit.

In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.

Privacy Act Notice.

We ask for the information on this form, and associated evidence, to determine if you have established eligibility for the immigration benefit for which you are filing. Our legal right to ask for this information can be found in the Immigration and Nationality Act, as amended. We may provide this information to other government agencies. Failure to provide this information, and any requested evidence, may delay a final decision or result in denial of your Form I-485.

Paperwork Reduction Act.

An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 30 minutes per response, including the time for reviewing instructions, completing and submitting the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529. OMB No. 1615-0024. **Do not mail your application to this address.**