

**Instructions for Form I-360, Petition for
Amerasian, Widow(er), or Special Immigrant****Instructions**

Read these instructions carefully to properly complete this form. If you need more space to complete an answer, use a separate sheet of paper. Write your name and Alien Registration Number (A-Number), if any, at the top of each sheet of paper and indicate the part and number of the item to which the answer refers.

What Is the Purpose of This Form?

This petition is used to classify an alien as:

1. An Amerasian;
2. A Widow or Widower (based on a marriage of at least 2 years duration);
3. A Battered or Abused Spouse or Child of a U.S. Citizen or Lawful Permanent Resident; or
4. A special immigrant is defined as one of the following:
 - A. Religious Worker;
 - B. Panama Canal Company Employee, Canal Zone Government Employee, U.S. Government in the Canal Zone Employee;
 - C. Physician;
 - D. International Organization Employee or Family Member;
 - E. Juvenile Court Dependent;
 - F. Armed Forces Member;
 - G. Afghanistan or Iraq national who supported the U.S. Armed Forces as a translator; or
 - H. Iraq national who worked for or on behalf of the U.S. Government in Iraq.

This petition is also used to request deferred action by surviving spouses of U.S. citizens who have died prior to 2 years of marriage.

For purposes of deferred action requests under this program, a surviving spouse is defined as an alien spouse of a U.S. citizen who died prior to 2 years of marriage and who is currently in the United States and who has not remarried since the death of his/her U.S. citizen spouse.

The surviving spouse may also include his or her qualifying children who are currently in the United States on this request for deferred action by specifically naming them in **Part 9** of Form I-360.

Who May File Form I-360?**Amerasian**

Any person who is 18 years or older, including the alien, or a U.S. corporation may file this petition for a beneficiary who was born in Korea, Vietnam, Laos, Kampuchea, or Thailand after December 31, 1950, and before October 22, 1982, and was fathered by a U.S. citizen.

The petition must be filed with:

1. Copies of evidence showing that the person who is subject of this petition was born in one of the above countries between those dates.

If he or she was born in Vietnam, you must also submit a copy of his or her Vietnamese identification card, or an affidavit explaining why it is not available;
2. Copies of evidence establishing the parentage of the person, and that the biological father was a U.S. citizen. Examples of documents that may be submitted are: birth or baptismal records or other religious documents; local civil records; an affidavit, correspondence, or evidence of financial support from the father; photographs of the father (especially with the child); or, absent other documents, affidavits from knowledgeable witnesses that detail the parentage of the child and how they know such facts;
3. A photograph of the person; and
4. If the person is married, a copy of the marriage certificate, and proof of the termination of any prior marriages.

The sponsorship documents noted below are also required. You may file these documents with the petition or wait until USCIS reviews the petition and requests them. However, not filing them with the petition will add to the overall processing time.

1. An Affidavit of Financial Support executed by the sponsor with the evidence of financial ability required by that form. Note that the original sponsor remains financially responsible for the Amerasian if any subsequent sponsor fails in this area;
2. Copies of evidence showing that the sponsor is at least 21 years and is a U.S. citizen or permanent resident; and
3. Fingerprints of the sponsor taken by USCIS as part of the required biometric services.

Widow/Widower of a U.S. Citizen

You may file this petition for yourself if:

1. You were married for at least 2 years to a U.S. citizen who is now deceased and who was a U.S. citizen at the time of death;
2. Your citizen spouse's death was less than 2 years ago;
3. You were not legally separated from your citizen spouse at the time of death; and
4. You have not remarried.

The petition must be filed with:

1. A copy of your marriage certificate to the U.S. citizen and proof of termination of any prior marriages of either of you;
2. Copies of evidence that your spouse was a U.S. citizen, such as a birth certificate if born in the United States, Naturalization Certificate or Certificate of Citizenship issued by USCIS; Form FS-240, Report of Birth Abroad of a Citizen of the United States; or a U.S. passport that was valid at the time of the citizen's death; and
3. A copy of the death certificate of your U.S. citizen spouse.

Special Immigrant Juvenile

Any person, including the alien, may file this petition for an alien who:

1. Is unmarried and less than 21 years of age;
2. Has been declared dependent upon a juvenile court in the United States, or who such a court has legally committed to, or placed under the custody of an agency or department of a State, and who has been found eligible for long-term foster care; and

3. Has been the subject of administrative or judicial proceedings that was determined that it would not be in the juvenile's best interests to be returned to the juvenile's or his or her parent's country of nationality or last habitual residence.

The petition must be filed with:

1. A copy of the juvenile's birth certificate or other evidence of his or her age;
2. Copies of the court or administrative document(s) upon which the claim to eligibility is based.

NOTE: After a special immigrant juvenile becomes a permanent resident, his or her parent(s) may not receive any immigration benefit based on the relationship to the juvenile.

Special Immigrant Religious Worker

Basic Requirements. A U.S. employer or an alien may file a special immigrant religious worker petition. In either case, the U.S. employer must submit certain evidence and an attestation in support of the petition.

If applicable, the U.S. employer must submit a Religious Denomination Certification. The terms used in the basic requirements are defined below. The alien must be coming to the United States to work:

1. Solely as a minister of the U.S. employer's denomination;
2. In a religious vocation either in a professional or nonprofessional capacity; or
3. In a religious occupation either in a professional or nonprofessional capacity.

NOTE: All religious workers, other than ministers, immigrating to the United States as special immigrant religious workers must immigrate or adjust status to permanent residence before **March 6, 2009**. Statutory amendments may extend this date. USCIS will provide information if the date is extended.

Immigrate means to enter the United States with a valid immigrant visa. Adjust status to permanent residence means having Form I-485 approved.

Definitions

There are definitions that apply specifically to Special Immigrant Religious Worker petitions. Detailed explanations of the definitions may be found at 8 CFR 204.5(m). The evidence that must be submitted refers to the following definitions:

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1. **Bona Fide Nonprofit Religious Organization in the United States** means a religious organization exempt from taxation as described in section 501(c)(3) of the Internal Revenue Code of 1986, subsequent amendment, or equivalent sections of prior enactments of the Internal Revenue Code. The organization must have a currently valid determination letter from the Internal Revenue Service confirming the tax exemption. Tax-exempt organization is defined below.
 2. **Bona Fide Organization That Is Affiliated With the Religious Denomination** means an organization that is closely associated with a religious denomination. Religious denomination is defined below. The affiliated organization must be exempt from taxation as described in section 501(c)(3) of the Internal Revenue Code of 1986, subsequent amendment, or equivalent sections of prior enactments of the Internal Revenue Code. The organization must have a currently valid determination letter from the Internal Revenue Service confirming the tax exemption. Tax-exempt organization is defined below.

3. **Religious Denomination** means a religious group or community of believers that is governed or administered under a common type of ecclesiastical government with:
 - A. A recognized common creed or statement of faith shared among the denomination's members;
 - B. A common form of worship;
 - C. A common formal code of doctrine and discipline;
 - D. Common religious service, and ceremonies;
 - E. Common established places of religious worship, religious congregations; or
 - F. Comparable evidence of a bona fide religious denomination.

If there is no hierarchical ecclesiastical government, an individual church may qualify as a religious denomination by submitting a description of its internal governing structure.

4. **Denominational Membership** means membership during at least the two-year period immediately preceding the filing date of the petition, in the same type of religious denomination as the United States religious organization where the alien will work.

5. **Minister** means an individual who:
 - A. Is fully authorized by a religious denomination, and fully trained according to the denomination's standards, to conduct religious worship and perform other duties usually performed by authorized members of the clergy of that denomination;
 - B. Is not a lay preacher or a person not authorized to perform duties usually performed by clergy;
 - C. Performs activities with a rational relationship to the religious calling of the minister; and
 - D. Works solely as a minister in the United States, which may include administrative duties incidental to the duties of a minister.

6. **Religious Occupation** means an occupation which meets all of the following requirements:
 - A. The duties must primarily relate to a traditional religious function and be recognized as a religious occupation within the denomination;
 - B. The duties must be primarily related to, and must clearly involve, inculcating or carrying out the religious creed and beliefs of the denomination;
 - C. The duties do not include positions which are primarily administrative or support such as janitors, maintenance workers, clerical employees, fund raisers, persons solely involved in the solicitation of donations, or similar positions, although limited administrative duties that are only incidental to religious functions are permissible; and
 - D. Religious study or training for religious work does not constitute a religious occupation, but a religious worker may pursue study or training incident to status.

7. **Religious Vocation** means a formal lifetime commitment, through vows, investitures, ceremonies, or similar indicia, to a religious way of life. The religious denomination must have a class of individuals whose lives are dedicated to religious practices and functions, as distinguished from the secular members of the religion. Examples of religious vocations include nuns, monks, and religious brothers and sisters.
8. **Religious Worker** means an individual engaged in and, according to the denomination's standards, qualified for a religious occupation or vocation, whether or not in a professional capacity, or as a minister.

9. Tax-Exempt Organization means an organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, subsequent amendment, or equivalent sections of prior enactments of the Internal Revenue Code.

- A.** The organization must demonstrate tax-exempt status by submitting a currently valid determination letter from the Internal Revenue Service.
- B.** A determination letter may be currently valid regardless of whether it is issued under 501(c)(3) of the Internal Revenue Code of 1986, subsequent amendment, or equivalent sections of prior enactments of the Internal Revenue Code.
- C.** These requirements also apply to religious organizations that are recognized as tax exempt under a group tax exemption;
- D.** In instances where the organization is affiliated with the religious denomination and was granted tax-exempt status under section 501(c)(3) of the Internal Revenue Code of 1986, subsequent amendment, or equivalent sections of prior enactments of the Internal Revenue Code, as something other than a religious organization, additional documentation is required.

Compensation Requirements

A religious worker must be salaried and/or non-salaried. Salaried means receiving a traditional paycheck. Non-salaried means receiving support such as room, board, medical care, or transportation instead of a paycheck. The attestation section below lists the evidence that the U.S. employer must submit regarding compensation.

Attestation Requirements

In addition to completing Form I-360, the prospective employer must complete an Employer Attestation and complete a Religious Denomination Certification. Prospective employer means the U.S. employer that will be employing the alien.

If the alien is a self-petitioner and is also an authorized official of the prospective employer, the self-petitioner may sign the attestation.

An authorized official of the prospective employer must complete, sign, and date the Employer Attestation and complete the Denomination Certification. The authorizing official must sign the attestation, certifying under penalty of perjury that the attestation is true and correct.

On the Employer Attestation form, the prospective employer must specifically attest to the following:

- 1.** The prospective employer's status as a:
 - A.** Bona fide nonprofit organization; or
 - B.** Bona fide organization that is affiliated with a religious denomination and is exempt from taxation.
- 2.** The number of members of the prospective employer's organization.
- 3.** The number of employees who work at the same location where the alien will be employed and a summary of those employees' responsibilities.
- 4.** Number of aliens holding special immigrant or nonimmigrant religious worker status currently employed or employed within the past five years.
- 5.** Number of Special Immigrant Religious Worker Form I-360 and Nonimmigrant Religious Worker Form I-129 petitions submitted by the prospective employer within the past five years.
- 6.** The title of the position offered to the alien.
- 7.** The complete package of salaried or non-salaried compensation being offered.
- 8.** A detailed description of the alien's proposed daily duties.
- 9.** The position being offered to the alien requires at least 35 hours per week of compensated service.
- 10.** The specific location(s) of the proposed employment.
- 11.** The alien is qualified to perform the duties of the offered position.
- 12.** The alien's membership in the prospective employer's denomination for at least two years prior to admission to the United States.
- 13.** That, if the position is not a religious vocation, the alien will not be engaged in secular employment, and any compensation for religious work will be paid to the alien by the attesting employer.
- 14.** The prospective employer's ability and intention to compensate and otherwise support (through housing, for example) the alien at a level at which the alien and accompanying family members will not become public charges.

Initial Evidence Relating to the Prospective Employer

The petitioner must submit the following initial evidence relating to the prospective employer:

1. A currently valid determination letter from the Internal Revenue Service establishing status as a tax exempt organization as defined in Part 9 above;
2. Documentation that establishes the religious nature and purpose of the organization, such as a copy of the organizing instrument of the organization that specifies the purposes of the organization;
3. Organizational literature, such as brochures, calendars, flyers, and other literature describing the religious purpose and nature of the activities of the organization; and
4. A completed Religious Denomination Certification signed and dated by an authorizing official, certifying under penalty of perjury that the certification is true and correct.

Initial Evidence Related to Compensation

The prospective U.S. employer must submit verifiable evidence of how the petitioner intends to compensate the alien. The evidence may include:

1. Past evidence of compensation for similar positions; budgets showing monies set aside for salaries, leases, etc.; documentation that food, housing, medical care, or transportation will be provided; or other similar evidence.
2. Internal Revenue Service (IRS) documentation, such as IRS Form W-2 or certified tax returns, if available. If IRS documentation is unavailable, the prospective employer must explain why it is unavailable and submit comparable verifiable documentation.
3. Specific evidence if the alien worked in the United States during the two years immediately before the petition was filed. If the alien:
 - A. Received salaried compensation, the prospective employer must submit IRS documentation that the alien received a salary, such as an IRS Form W-2 or certified copies of income tax returns.
 - B. Received non-salaried compensation, the prospective employer must submit IRS documentation of the non-salaried compensation if available.

- C. Received no salary but provided for his or her own support and for any dependents, the prospective employer must show source of support was maintained by submitting documents such as audited financial statements, financial institution records, brokerage account statements, trust documents signed by an attorney, or other verifiable evidence acceptable to USCIS.

Initial Evidence Related to the Alien's Prior Employment

1. Qualifying prior experience during the two years immediately preceding the petition, or preceding any acceptable break in the continuity of the religious work, must have occurred after the age of 14, and if acquired in the United States, must have been authorized under U.S. immigration law. If the alien was employed in the United States during the two years immediately preceding the filing of the application and:
 - A. Received salaried compensation, the petitioner must submit IRS documentation that the alien received a salary, such as an IRS Form W-2 or certified copies of income tax returns.
 - B. Received non-salaried compensation, the petitioner must submit IRS documentation of the non-salaried compensation if available.
 - C. Received no salary but provided for his or her own support, and provided support for any dependents, the petitioner must show source of support by submitting additional documents such as audited financial statements, financial institution records, brokerage account statements, trust documents signed by an attorney, or other verifiable evidence acceptable to USCIS.
2. If the alien was employed outside the United States during such two years, the petitioner must submit comparable evidence of the religious work.
3. The prior religious work need not correspond precisely to the type of work to be performed.
4. A break in the continuity of the work during the preceding two years will not affect eligibility so long as:

- A. The alien was still employed as a religious worker;
- B. The break did not exceed two years; and
- C. The nature of the break was for further religious training or for sabbatical that did not involve unauthorized work in the United States. However, the alien must have been a member of the petitioner's denomination throughout the two years of qualifying employment.

- 1. A tour of the organization's facilities and, if appropriate, the organization's headquarters or satellite locations;
- 2. An interview with the organization's officials;
- 3. A review of the organization's records related to compliance with immigration laws and regulations; or
- 4. A visit to the locations where the alien will work or live.

Initial Evidence Related to a Minister

If filing in behalf of a minister, the petitioner must submit the following additional initial evidence:

- 1. A copy of the alien's certificate of ordination or similar documents reflecting acceptance of the alien's qualifications as a minister in the religious denomination; and
- 2. Documents reflecting:
 - A. Acceptance of the alien's qualifications as a minister in the religious denomination;
 - B. The alien's completion of any course of prescribed theological education at an accredited theological institution normally required or recognized by that religious denomination, including transcripts, curriculum, and documentation that establishes that the theological institution is accredited by the denomination.
- 3. For denominations that do not require a prescribed theological education, evidence of:
 - A. The denomination's requirements for ordination to minister;
 - B. The duties allowed to be performed by virtue of ordination;
 - C. The denomination's levels of ordination, if any; and
 - D. The alien's completion of the denomination's requirements for ordination.

Special Immigrant Based on Employment with the Panama Canal Company, Canal Zone Government, or U.S. Government in the Canal Zone

Any person may file this petition for an alien who, at the time the Panama Canal Treaty of 1977 entered into force, either:

- 1. Was resident in the Canal Zone and had been employed by the Panama Canal Company or Canal Zone Government for at least one year; or
- 2. Was a Panamanian national and either honorably retired from U.S. Government employment in the Canal Zone with a total of 15 or more years of faithful service; or
- 3. Was employed for 15 years and since honorably retired; or was an employee of the Panama Canal Company or Canal Zone Government, had performed faithful service for five years or more as an employee, and whose personal safety, or the personal safety of his or her spouse or child, is in danger as a direct result of the special nature of his or her employment and as a direct result of the Treaty.

The petition must be filed with:

- 1. A letter from the Panama Canal Company, Canal Zone Government, or U.S. Government agency employing the person in the Canal Zone, indicating the length and circumstances of employment and any retirement or termination; and
- 2. Copies of evidence to establish any claim of danger to personal safety.

Special Immigrant Physician

Any person may file this petition for an alien who:

- 1. Graduated from a medical school or qualified to practice medicine in a foreign state;

Verification of Evidence

USCIS may verify the submitted evidence through any means that USCIS determines as appropriate, up to and including an on-site inspection. If USCIS decides to conduct a pre-approval inspection, satisfactory completion of such inspection will be a condition for approval of any petition. The inspection may include:

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2. Was fully and permanently licensed to practice medicine in a State of the United States on January 9, 1978, and was practicing medicine in a State on that date;
 3. Entered the United States as an "H" or "J" nonimmigrant before January 9, 1978; and
 4. Has been continuously present in the United States and continuously engaged in the practice or study of medicine since the date of such entry.

The petition must be filed with:

1. Letters from the person's employers, detailing his or her employment since January 8, 1978, including the current employment; and
2. Copies of relevant documents that demonstrate that the person filed for meets all the above criteria.

Special Immigrant International Organization Employee or Family Member

Certain long-term "G" and "N" nonimmigrant employees of a qualifying international organization entitled to enjoy privileges, exemptions, and immunities under the International Organizations Immunities Act, and certain relatives of such an employee, may be eligible to apply for classification as a Special Immigrant. To determine eligibility, contact the qualifying international organization or your local USCIS office.

The petition must be filed with:

1. A letter from the international organization demonstrating that it is a qualifying organization and explaining the circumstances of qualifying employment and the immigration status held by the person the petition is for; and
2. Copies of evidence documenting the relationship between the person this petition is for and the employee.

Armed Forces Member

You may file this petition for yourself if:

1. You have served honorably on active duty in the U.S. Armed Forces after October 15, 1978;
2. You originally lawfully enlisted outside the United States under a treaty or agreement in effect on October 1, 1991, for a period or periods aggregating:

- A. Twelve years, and were never separated from such service except under honorable conditions; or
- B. Six years, are now on active duty, and have reenlisted to incur a total active duty service obligation of at least 12 years;

3. You are a national of an independent state that maintains a treaty or agreement allowing nationals of that state to enlist in the U.S. Armed Forces each year; and
4. The executive department under which you have served or are serving has recommended you for this special immigrant status.

The petition must be filed with:

1. Certified proof issued by the authorizing official of the executive department in which you are serving or have served which certifies that you have the required honorable active duty service and/or commitment; and
2. Your birth certificate.

Afghanistan or Iraq National Supporting U.S. Armed Forces as a Translator

You may file this petition for yourself if:

1. You are a national of Afghanistan or Iraq;
2. You worked directly with the U.S. Armed Forces as a translator for a period of at least 12 months;
3. You have obtained a favorable written recommendation from a general or flag officer in the chain of command of the U.S. Armed Forces unit that you supported; and
4. Before filing this petition, you were cleared by a background check and screening, as determined by a general or flag officer in the chain of command of the U.S. Armed Forces unit that you supported.

The petition must be filed with:

1. A copy of your passport or birth certificate showing that you are a national of Afghanistan or Iraq; and
2. A favorable written recommendation from a general or flag officer in the chain of command of the U.S. Armed Forces unit that you supported.

Iraq National Who Was Employed by or on Behalf of the U.S. Government in Iraq

1. You may file this petition for yourself if:
 - A. You are a national of Iraq;
 - B. You have established to the satisfaction of the Chief of Mission, or the designee of the Chief of Mission, that you were or are employed by or on behalf of the U.S. Government in Iraq on or after March 20, 2003, for a period of not less than one year;
 - C. You have established to the satisfaction of the Chief of Mission, or the designee of the Chief of Mission, that you provided faithful and valuable service to the U.S. Government. Your senior supervisor must submit a recommendation to the U.S. Government or, if your senior supervisor has left the employer or left Iraq, either the person who is currently occupying that position or someone in a more senior position with the employing entity;
 - D. You have established to the satisfaction of the Chief of Mission, or the designee of the Chief of Mission, that you have experienced or are experiencing an ongoing serious threat as a consequence of the employment by or on behalf of the U.S. Government;
 - E. You have or will have cleared a background check and appropriate screening as determined by the Secretary of Homeland Security; and
 - F. You are otherwise eligible to receive an immigrant visa and are admissible to the United States for permanent residence, excluding the grounds of inadmissibility specified in section 212 (a) (4) of the INA.

2. Entitlement to status of surviving spouse or child:

You are also classifiable as a special immigrant described in section 1244 of Pub. L. 110-181 if you are the spouse or child of a principal alien who had a petition approved by USCIS, but the petition was terminated after its approval due to the death of the principal alien.

3. The petition must be filed with:

- A. A copy of your passport, birth certificate, or national identification card showing that you are a national of Iraq. If the document is in a foreign language, a certified English translation must be provided.

- B. A positive recommendation from your senior supervisor or the person currently occupying that position, or a more senior person if your senior supervisor has left the employer or has left Iraq, confirming employment of not less than one year on or after March 20, 2003;
- C. Proof of risk assessment conducted by the Chief of Mission, or the designee of the Chief of Mission;
- D. Proof of independent review conducted by the Chief of Mission, or the designee of the Chief of Mission, of records maintained by the U.S. Government or hiring organization or entity to confirm employment and faithful and valuable service to the U.S. Government; and
- E. If you are physically present in the United States, you must also submit a copy of the front and back of your Arrival Departure Record (Form I-94).

Self-Petitioning Battered or Abused Spouse or Child of a U.S. Citizen or Lawful Permanent Resident

You may self-petition for immediate relative or family-sponsored immigrant classification if you:

1. Are now the spouse or child of an abusive U.S. citizen or lawful permanent resident;
2. Are eligible for immigrant classification based on that relationship;
3. Are now residing in the United States or have resided in the United States with the U.S. citizen or lawful permanent resident abuser in the past;
4. Have been battered by or have been the subject of extreme cruelty perpetrated by:
 - A. Your U.S. citizen or lawful permanent resident spouse during the marriage, or are the parent of a child who has been battered by or has been the subject of extreme cruelty perpetrated by your abusive citizen or lawful permanent resident spouse during your marriage;
 - B. Your citizen or lawful permanent resident parent while residing with that parent;
5. Are a person of good moral character;
6. Are a person whose removal or deportation would result in extreme hardship to yourself, or to your child if you are a spouse; and

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7. If you are an abused spouse, you entered into the marriage to the citizen or lawful permanent resident abuser in good faith.

NOTE: Divorce or other legal termination of the marriage to the abuser **after** the self-petition is properly filed with USCIS will not be the sole basis for denial or revocation of an approved self-petition. If you remarry before you become a lawful permanent resident, however, your self-petition will be denied or the approval revoked.

Your self-petition may be filed with any credible relevant evidence of eligibility. The determination of what evidence is credible and the weight to be given that evidence is within the sole discretion of USCIS; therefore, you are encouraged to provide the following documentation:

1. Evidence of the abuser's U.S. citizenship or lawful permanent resident status;
2. Marriage and divorce decrees, birth certificates, or other evidence of your legal relationship to the abuser;
3. One or more documents showing that you and the abuser have resided together in the United States in the past, such as employment records, utility receipts, school records, hospital or medical records, birth certificates of children, mortgages, rental records, insurance policies, or affidavits;
4. One or more documents showing that you are now residing in the United States, such as the documents listed above;
5. Evidence of the abuse, such as reports and affidavits from police, judges, and other court officials, medical personnel, school officials, clergy, social workers, and other social service agency personnel. If you have an order of protection, or have taken other legal steps to end the abuse, you should submit copies of those court documents;
6. If you are more than 14 years of age, your affidavit of good moral character accompanied by a local police clearance, State-issued criminal background check, or similar report from each locality or State in the United States or abroad in which you have resided for six or more months during the three-year period immediately preceding the filing of your self-petition;
7. Affidavits, birth certificates of children, medical reports, and other relevant credible evidence of the extreme hardship that would result if you were to be removed or deported; and

8. If you are a spouse, proof that one spouse has been listed as the other's spouse on insurance policies, property leases, income tax forms, or bank accounts; and testimony or other evidence regarding your courtship, wedding ceremony, shared residence, and experiences showing that your marriage was entered in good faith.

NOTE: A self-petitioning battered or abused spouse or child of a U.S. citizen or lawful permanent resident may submit any relevant credible evidence in place of the suggested evidence.

Public Service Information

The National Domestic Violence Hotline provides information, crisis intervention, and referrals to local service providers, including legal assistance organizations, to victims of domestic violence or anyone calling on their behalf at **1-800-799-7233** or TDD at **1-800-787-3244** TTD.

The hotline services are available 24 hours a day, seven days a week, toll-free from anywhere in the United States, Puerto Rico, or the U.S. Virgin Islands. The staff and volunteers speak both English and Spanish and have access to translators in 139 languages.

Surviving Spouses of Deceased U.S. Citizens Who Died Before the Second Anniversary of the Marriage (And the Surviving Spouse's Qualifying Children)

You may apply for deferred action if you:

1. Are the surviving spouse of a U.S. citizen;
2. Were married to (and not legally divorced or legally separated from) that U.S. citizen at the time of his/her death;
3. Are presently residing in the United States;
- 4A. Understand that for the purposes of this program, Form I-360 is being used as a means to determine your eligibility for deferred action **ONLY**; and
B. Understand that the grant of deferred action as requested on your Form I-360 does not make you a special immigrant or classify you as an immigrant for purposes of establishing eligibility for an immigrant visa or adjustment of status to permanent resident in the United States **and** does not mean that you are eligible to self-petition as a widow/widower or special immigrant;

5. May include your children who are presently residing in the United States in this request for deferred action by listing them in **Part 9**, if they meet the following definition of qualifying children:

For the purposes of a petition for deferred action as a surviving spouse of a deceased U.S. citizen, who died before the second anniversary of the marriage and his or her qualifying children, the term "*qualifying children*" is defined as follows:

- A.** Any children of the surviving alien spouse of the deceased U.S. citizen who are:
- i.** Under the age of 21 years at the time of the filing of the request for deferred action, or under the age of 21 years at the time any immediate relative petition was filed on their behalf by the deceased U.S. citizen spouse;
 - ii.** Unmarried; and
 - iii.** Presently residing in the United States.
- B.** Qualifying children **do not** include the following persons:
- i.** Children born in the United States;
 - ii.** Children who are the natural or lawfully adopted children or sons and daughters of the deceased U.S. citizen, **unless** they are also the stepchildren of the surviving alien spouse by virtue of the marriage to the U.S. citizen having taken place before the children's 18th birthdays;
 - iii.** Married sons or daughters of the surviving alien spouse;
 - iv.** The sons or daughters of the surviving alien spouse who are outside the United States at the time that the deferred action request is filed; or
 - v.** Sons or daughters of the surviving alien spouse who have reached the age of 21 years at the time that the request for deferred action was filed, unless Form I-130 was filed on their behalf as immediate relative children before their 21st birthdays.

The following circumstances will make you ineligible for deferred action under this program:

- A.** A divorce legally terminating the spousal relationship between you and the now deceased U.S. citizen;
- B.** You were married to another person at the time of your qualifying U.S. citizen spouse's death;

- C.** You remarried after the death of the U.S. citizen spouse regardless of whether you are currently divorced from that person or that person has also died; or

- D.** You were legally separated from your U.S. citizen spouse at the time of his or her death;

- 6A.** The deferred action applicant must complete **Parts 1, 3, 4, 7, 9, 10, and 11** of Form I-360;
- B.** Check "**m**" in **Part 2** of Form I-360 and write in the appropriate language specified within these instructions. (**NOTE:** Your failure to check "**m**" and write in the appropriate language may result in a denial of the petition.);
- 7.** Submit the appropriate fee with your Form I-360; and
- 8.** Submit your deferred action request (Form I-360 with appropriate fee) with the supporting documents listed under "Widow/Widower of a U.S. Citizen" on **Pages 1-2** of these instructions.

General Instructions

Step 1. Fill Out Form I-360

- 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."
- 4.** Every petition must be properly signed and accompanied by the proper fee. If you are under 14 years of age, your parent or guardian may sign the petition.
- 5.** If you are the surviving alien spouse of a deceased U.S. citizen who died before the second anniversary of the marriage, you must check "**m**" in **Part 2** of Form I-360 and write the following in the space provided: "Deferred Action: Surviving spouse of a U.S. citizen, married less than 2 years."

NOTE: You cannot file a concurrent Form I-485 with Form I-360.

Step 2. General Requirements

Translations. Any document containing a foreign language submitted to USCIS must be accompanied by a full English language translation that 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.

Where To File?

Where Form I-360 is submitted depends on where you live and/or the category in which you are filing. See the following instructions to determine where to file the petition. For Service Center and Lockbox mailing addresses, go to "**Mailing Addresses**" at the end of this section.

Updated Filing Address Information

The filing addresses provided on this form reflect the most current information as of the date this form was last printed. If you are filing Form I-360 more than 30 days after the latest edition date shown in the lower right-hand corner, visit our Web site at www.uscis.gov before you file, and check the "Immigration Forms" page to confirm the correct filing address and version currently in use. Check the edition date located in the lower right-hand corner of the form.

If the edition date on your Form I-360 matches the edition date listed for Form I-360 on the online "Immigration Forms" page, your version is current and will be accepted by USCIS. If the edition date on the online version is later, download a copy and use the online version. If you do not have Internet access, call the National Customer Service Center at **1-800-375-5283** to verify the current filing address and edition date.

Improperly filed forms will be rejected, and the fee returned, with instructions to resubmit the entire filing using the current form instructions.

Amerasian

1. If the beneficiary lives outside the United States, Form I-360 may be filed at the USCIS office overseas or at the U.S. Embassy or consulate having jurisdiction over the beneficiary's current place of residence.
2. Form I-360 may also be filed at the USCIS office having jurisdiction over the beneficiary's intended place of residence in the United States by submitting this petition to the USCIS Lockbox.

Widow or Widower

1. If you are filing only Form I-360, it must be filed at the Vermont Service Center.
2. Form I-360 may also be filed concurrently with Form I-485. Concurrent Form I-360/I-485 widow/widower filings must be filed with the USCIS Lockbox.
3. If you live outside the United States, you may file Form I-360 at the USCIS office or U.S. Embassy or consulate that has jurisdiction over the area where you live.

Special Immigrant Juvenile Court Dependent

Form I-360 may be filed alone or concurrently with Form I-485 at the USCIS Lockbox.

Religious Worker or Minister

Form I-360 must be filed at the California Service Center, regardless of where you live or work. It cannot be filed concurrently with Form I-485.

Special Immigrant International Organization Employee or Family Member

Form I-360 must be filed with the Nebraska Service Center, regardless of where you live. It may be filed alone or concurrently with Form I-485.

Armed Forces Member

1. If you live outside the United States, file Form I-360 at the USCIS office or U.S. Embassy or consulate abroad that has jurisdiction over the area where you live.
2. If you live in the United States, file Form I-360 with the Vermont or California Service Center, depending on the place where you live, or you may file it concurrently with Form I-485 at the USCIS Lockbox.

Afghan and Iraqi Translators/Interpreters, or Iraqi Employees Who Worked for or on Behalf of the U.S. Government

Form I-360 must be filed at the Nebraska Service Center, regardless of where you live. It cannot be filed concurrently with Form I-485.

International Broadcasters

Form I-360 must be filed at the Vermont Service Center, regardless of where you live or work. It cannot be filed concurrently with Form I-485.

Self-Petitioning Battered or Abused Spouse or Child

Form I-360 must be filed at the Vermont Service Center, regardless of where you live. In some cases it may be filed concurrently with Form I-485 (see note below).

NOTE: Form I-485 may be filed concurrently with Form I-360 if the abusive spouse or parent is a U.S. citizen. Otherwise, an immigrant visa number must be immediately available to file the I-485 concurrently.

Surviving Spouses of Deceased U.S. Citizens Who Died Before the Second Anniversary of the Marriage (And the Surviving Spouse's Qualifying Children)

If you are filing as a surviving spouse of a U.S. citizen who died prior to 2 years of marriage, you must file your Form I-360 with the appropriate fee and supporting documents with the Vermont Service Center.

For other categories including:

1. Panama Canal Company Employment;
2. Canal Zone Government Employment;
3. U.S. Government in Canal Zone Employment; or
4. Special Immigrant Physician.

File Form I-360 with the California Service Center or the Vermont Service Center, depending on where you live:

If you live in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, South Carolina, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, Tennessee, Texas, Vermont, Virginia, U.S. Virgin Islands, or West Virginia, file this petition with the **Vermont Service Center**.

If you live in Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin, or Wyoming, file this petition with the **California Service Center**.

Mailing Addresses

Service Center Addresses:

California Service Center:

USCIS
California Service Center
P.O. Box 10360
Laguna Niguel, CA 92607-0360

Nebraska Service Center

USCIS
Nebraska Service Center
P.O. Box 87360
Lincoln, NE 68501-7360

Vermont Service Center

USCIS
Vermont Service Center
75 Lower Welden Street
St. Albans, VT 05479-0001

USCIS Lockbox Addresses

For U.S. Postal Service (USPS) deliveries, use the following P.O. Box Number:

USCIS
Attn: I-360
Box 805887
Chicago, IL 60680-4120

For Courier or Special Delivery, use:

USCIS
Attn: I-360
131 South Dearborn - 3rd Floor
Chicago, IL 60603-5517

What Is the Filing Fee?

The filing fee for Form I-360 is **\$375**, except there is no fee if filing for an Amerasian, a Special Immigrant Juvenile, as a self-petitioning battered or abused spouse or child of a U.S. citizen or lawful permanent resident, or Iraqi national who worked for or on behalf of the U.S. Government in Iraq.

An additional biometric fee of **\$80** is required when filing Form I-360 on behalf of an Amerasian. After you submit Form I-360, USCIS will notify you about when and where you will need to go for biometric services.

You may submit one check or money order for both the application and biometric fees, for a total of **\$455**.

Use the following guidelines when you prepare your check or money order for Form I-360, and the biometric service fee if applicable:

1. The check or money order must be drawn on a bank or other financial institution located in the United States, and must be payable in U.S. currency; and
2. Make the check or money order payable to **U.S. Department of Homeland Security**, unless:
 - A. If you live in Guam, make it payable to **Treasurer, Guam**.
 - B. If you live in the U.S. Virgin Islands, make it payable to **Commissioner of Finance of the Virgin Islands**.

NOTE: Spell out U.S. Department of Homeland Security; do not use the initials "USDHS" or "DHS."

Notice to Those Making Payment by Check. If you send us a check, it will be converted into an electronic funds transfer (EFT). This means we will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually take 24 hours and will be shown on your regular account statement.

You will not receive your original check back. We will destroy your original check, but we will keep a copy of it. If the EFT cannot be processed for technical reasons, you authorize us to process the copy in place of your original check. If the EFT cannot be completed because of insufficient funds, we may try to make the transfer up to two times.

How to Check If the Fees Are Correct

The form and biometric fees on this form are current as of the edition date appearing in the lower right corner of this page. However, because USCIS fees change periodically, you can verify if the fees are correct by following one of the steps below:

1. Visit our Web site at **www.uscis.gov**, select "Immigration Forms," and check the appropriate fee;
2. Review the Fee Schedule included in your form package, if you called us to request the form; or
3. Telephone our National Customer Service Center at **1-800-375-5283** and ask for the fee information.

NOTE: If your Form I-360 requires payment of a biometric service fee for USCIS to take your fingerprints, photograph, or signature, you can use the same procedure to obtain the correct biometric fee.

Address Changes

If you change your address and you have an application or petition pending with USCIS, you may change your address online at **www.uscis.gov**, click on "Change your address with USCIS," and follow the prompts, or you may complete and mail 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

Any Form I-360 that is not signed or accompanied by the correct fee will be rejected with a notice that Form I-360 is deficient. You may correct the deficiency and resubmit Form I-360. An application or petition is not considered properly filed until accepted by USCIS.

Initial Processing

Once Form I-360 has been accepted, it will be checked for completeness, including submission of the required initial evidence. If you do not completely fill out the form, or file it without required initial evidence, you will not establish a basis for eligibility, and we may deny your petition.

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.

Decision

If you establish that the person this petition is for is eligible for the requested classification, we will approve the petition. We will send it to the U.S. Embassy or consulate for visa issuance, unless he or she is in the United States and appears eligible and intends to apply for adjustment to permanent resident status while here. If you do not establish eligibility, we will deny the petition. We will notify you in writing of our decision.

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 Web site at **www.uscis.gov**.

As an alternative to waiting in line for assistance at a USCIS office, you can now schedule an appointment through our Internet-based system. To access the system, visit our Web site. 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 your Form I-360, we will deny Form I-360 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-360.

USCIS Compliance Review and Monitoring

By signing this form, you have stated under penalty of perjury (28 U.S.C.1746) that all information and documentation submitted with this form is true and correct. You also have authorized the release of any information from your records that USCIS may need to determine eligibility for the benefit you are seeking and consented to USCIS verification of such information.

The Department of Homeland Security has the right to verify any information you submit to establish eligibility for the immigration benefit you are seeking at any time. Our legal right to verify this information is in 8 U.S.C. 1103, 1155, 1184, and 8 CFR parts 103, 204, 205, and 214. To ensure compliance with applicable laws and authorities, USCIS may verify information before or after your case has been decided. Agency verification methods may include, but are not limited to: review of public records and information; contact via written correspondence, the Internet, facsimile or other electronic transmission, or telephone; unannounced physical site inspections of residences and places of employment; and interviews. Information obtained through verification will be used to assess your compliance with the laws and to determine your eligibility for the benefit sought.

Subject to the restrictions under 8 CFR part 103.2(b)(16), you will be provided an opportunity to address any adverse or derogatory information, that may result from a USCIS compliance review, verification, or site visit after a formal decision is made on your case or after the agency has initiated an adverse action which may result in revocation or termination of an approval.

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 2 hours per response, (except 3 hours per response for Iraqi Nationals who were employed by or on behalf of the U.S. Government in Iraq, and 2 hours and 15 minutes per response for Religious Workers), including the time for reviewing instructions and 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 Products Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529-2210. OMB No. 1615-0020. **Do not mail your application to this address.**

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