

**Table of Changes
I-485 Instructions
OMB number: 1615-0023**

Current Form Instructions	Proposed Form Instructions
<p>Page 1, Who May File Form I-485?</p> <p>2. B. If the spouse or child is residing abroad, the person adjusting status in the United States should file Form I-824, Application for Action on an Approved Application or Petition, concurrently with the principal's Form I-485 to allow the derivatives to immigrate to the United States without delay if the principal's Form I-485 is approved.</p>	<p>Page 1, Who May File Form I-485?</p> <p>2. B. If the spouse or child is residing abroad, the person adjusting status in the United States should file Form I-824, Application for Action on an Approved Application or Petition, together with the principal's Form I-485, to allow the derivatives to immigrate to the United States without delay if the principal's Form I-485 is approved.</p>
<p>Page 2, Section 10. Who Is Not Eligible to Adjust Status?</p> <p>F. You failed to maintain your nonimmigrant status, other than through no fault of your own or for technical reasons: unless you are applying because you are:</p> <ol style="list-style-type: none"> 1. An immediate relative of a U.S. citizen (parent, spouse, widow, widower, or unmarried child under 21 years old); 2. A K-1 fiancé(e) or a K-2 fiancé(e) dependent who married the U.S. petitioner within 90 days of admission; or 3. An H or I nonimmigrant or special immigrant (foreign medical graduates, international organization employees, or their derivative family members); 	<p>Page 2, Section 10. Who Is Not Eligible to Adjust Status?</p> <p>F. You failed to maintain your nonimmigrant status, unless your failure to maintain status was through no fault of your own or for technical reasons: unless you are applying because you are:</p> <ol style="list-style-type: none"> 1. An immediate relative of a U.S. citizen (parent, spouse, widow, widower, or unmarried child under 21 years old); 2. A K-1 fiancé(e) or a K-2 fiancé(e) dependent who married the U.S. petitioner within 90 days of admission; or 3. An H or I nonimmigrant or special immigrant (foreign medical graduates, international organization employees, or their derivative family members); 4. A family-based adjustment of status applicant who: <ol style="list-style-type: none"> a. is residing in the Commonwealth of Northern Mariana Islands (CNMI) b. is within a CNMI-authorized period of stay and c. is considered lawfully present in the CNMI between November 28, 2009, and November 27, 2011.
<p>P 5. Where Should You File Form I-485?</p> <p>1. You are applying for adjustment of status under one of the eligibility categories listed below.....</p> <p>You must include a copy of the Form I-797C, Notice of Action, of an approved Form I-130,</p>	<p>P 5. Where Should You File Form I-485?</p> <p>1. You are applying for adjustment of status under one of the eligibility categories listed below.....</p> <p>You must include a copy of the Form I-797C, Notice of Action, of an approved Form I-130,</p>

<p>Petition for Alien Relative, or Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, or other official document reflecting a current priority date and family preference, or file your application concurrently with a Form I-130 or Form I-360 as appropriate.....</p> <p>A. Spouse, parent, unmarried son/daughter under age 21 of a U.S. citizen with an approved or concurrently filed Form I-130 (Part 2, Box "a" on the form.).....</p> <p>E. Applicants who are beneficiaries of a Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, classified as an "Amerasian," "Widow(er) of a U.S. Citizen who died within the past two years," "Special Immigrant Juvenile," or Special Immigrant Armed Forces Member." (Part 2, Box "g" write Amerasian, Widow(er), Self Petitioning Juvenile, or Armed Forces Member, as applicable).</p>	<p>Petition for Alien Relative, or Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, or other official document reflecting a current priority date and family preference, or file your application together with a Form I-130 or Form I-360 as appropriate.....</p> <p>A. Spouse, parent, unmarried son/daughter under age 21 of a U.S. citizen with an approved Form I-130 or Form I-130 filed together with this Form I-485. (Part 2, Box "a" on the form.).....</p> <p>E. Beneficiaries of a Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, classified as an "Amerasian," "Widow(er) of a U.S. Citizen who died within the past two years," "Special Immigrant Juvenile," or "Special Immigrant Armed Forces Member." (Part 2, Box "h" write Amerasian, Widow(er), Self Petitioning Juvenile, or Armed Forces Member, as applicable).</p>
<p>P 6. Section 3.A. 1. International Organization Employee or Family Member and Religious Workers: Form I-485 based on a concurrently filed, pending, or approved Form I-360 for an International Organization Employee.....</p> <p>2. Other Form I-360 Categories: Form I-485 filed based on an approved Form I-360 for the following classifications (NOTE: You cannot concurrently file Forms I-360 and I-485 for the four classifications below.):</p>	<p>P 6. Section 3.A. 1. International Organization Employee or Family Member and Religious Workers: Form I-485 filed with Form I-360, or Form I-485 based on a pending or approved Form I-360 for an International Organization Employee.....</p> <p>2. Other Form I-360 Categories: Form I-485 filed based on an approved Form I-360 for the following classifications (NOTE: You cannot file Form I-360 together with Form I-485 for the four classifications below.):</p>
<p>P. 7, D. You are filing your Form I-485 as a HRIFA Dependent....</p> <p>E. You are filing your Form I-485 based on a pending or approved Form I-140. If you are filing Form I-485 based on a pending or approved Form I-140, you must include a copy of the Form I-797C showing that your Form I-140 was accepted. (Part 2, Box "a" or "b" on the form.).....</p> <p>NOTE: Read the Visa Bulletin....</p>	<p>P. 7, D. You are filing your Form I-485 as a HRIFA Dependent....</p> <p>E. You are filing your Form I-485 based on an approved Form I-526, Immigrant Petition by Alien Entrepreneur (Part 2, Box "a" on the form).....</p> <p>(NOTE: You cannot file Form I-526 together with Form I-485.)</p> <p>(Moved section on filing I-485 with I-140 to be</p>

<p>Form I-485 and Form I-140 may not be filed concurrently at a USCIS Lockbox at this time. Refer to the filing instructions on the Form I-140 if you want to file the forms concurrently.</p> <p>F. You are filing your Form I-485 based on an approved Form I-526, Immigrant Petition by Alien Entrepreneur....</p> <p>(NOTE: You cannot file Forms I-526 and I-485 concurrently.)</p>	<p>after Phoenix and Dallas Lockbox filing chart and before section on E-NOTIFICATION):</p> <p>4. You are filing your Form I-485 together with Form I-140 or based on a pending or approved Form I-140.</p> <p>Petitioners filing Form I-485 together with Form I-140 for "skilled workers" (Part 2, box "f" on Form I-140), must continue to file their petitions/applications at the USCIS Nebraska or Texas Service Centers, depending on the location of the beneficiary's permanent employment. See Form I-140 for addresses.</p> <p>Petitioners filing Form I-485 alone or together with Form I-140 for any other employment-based classification should file at the USCIS Dallas Lockbox facility. See USCIS Dallas Lockbox facility address above.</p> <p>If you are filing Form I-485 based on a pending or approved Form I-140 (Part 2, Box "a" or "b" on the form), you must include a copy of the Form I-797C Notice of Action showing that your Form I-140 was accepted.</p> <p>NOTE: Read the Visa Bulletin....</p>
<p>P 8., 4. If you are filing your Form I-485 as an Afghan or Iraqi Translator. If you are filing Form I-485 based on an <u>approved</u> Form I-360 for an Afghan or Iraqi Translator, you must file your Form I-485 with the USCIS Nebraska Service Center.</p> <p>USCIS Nebraska Service Center P.O. Box 87485 Lincoln, Nebraska 68501-7485</p> <p>You must include a copy of Form I-797C, Notice of Action, showing that your Form I-360 was approved.</p> <p>NOTE: You cannot concurrently file Forms I-360 and I-485 for this classification.</p>	<p>P 8., 5. You are filing your Form I-485 as an Afghan or Iraqi Translator. If you are filing Form I-485 based on an <u>approved</u> Form I-360 for an Afghan or Iraqi Translator, you must file your Form I-485 with the USCIS Nebraska Service Center.</p> <p>USCIS Nebraska Service Center P.O. Box 87485 Lincoln, Nebraska 68501-7485</p> <p>You must include a copy of Form I-797C, Notice of Action, showing that your Form I-360 was approved.</p> <p>NOTE: You cannot file Form I-360 together with Form I-485 for this classification.</p>
<p>What Is The Filing Fee?</p> <p>...</p> <p>NOTE: Effective July 30, 2007, if you file Form I-485, no additional fee is required to also file an application for employment authorization on Form I-765 and/or advance parole on Form I-131. You may file these forms concurrently. If</p>	<p>What Is The Filing Fee?</p> <p>...</p> <p>NOTE: Effective July 30, 2007, if you file Form I-485, no additional fee is required to also file an application for employment authorization on Form I-765, Application for Employment Document, and/or advance parole on Form I-</p>

<p>you choose to file Form I-765 and/or Form I-131 separately after the effective date, you must also submit a copy of your Form I-797C, Notice of Action, receipt as evidence of the filing of Form I-485.</p>	<p>131, Application for Travel Document. You may file these forms together. If you choose to file Form I-765 and/or Form I-131 separately after the effective date, you must also submit a copy of your Form I-797C, Notice of Action, receipt as evidence of the filing of Form I-485.</p>
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<p>P. 9. Processing Information, 3rd paragraph:</p> <p>Requests for more information or interview:</p> <p>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....</p> <p>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....</p> <p>Interview...</p>	<p>Requests for more information or interview:</p> <p>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....</p> <p>National Interest Waiver (NIW) Physicians: An NIW Physician applicant must fulfill the medical service requirement to which he or she is subject based upon a Form I-140 petition which was approved under section 203(b) (2) (B) (ii) (I) of the Immigration and Nationality Act (INA), as amended by the Nursing Relief for Disadvantaged Areas Act (Nursing Relief Act) of 1999.</p> <p>Specifically, an NIW Physician applicant must submit evidence to establish that he or she has met the qualifying medical service requirement within 120 days after completing the required service. An NIW Physician applicant's application for adjustment of status will be considered ready for processing after evidence of the completion of the required medical service is submitted. (If an NIW Physician must also complete medical service based on a waiver of the foreign residence requirement of section 212(e) of the INA, then evidence of the completion of this required service should also be submitted at this time.)</p> <p>Interview...</p>
<p>p. 9</p> <p>Travel outside the United States for under sections 209 and 245 of the Act, and Registry applicants under section 249 of the Act.</p>	<p>Effect of departure from the United States while your application is pending</p> <p>1. A. Applying for adjustment of status under section 245 of the Act</p>

Your departure from the United States (including brief visits to Canada or Mexico) constitutes abandonment of your Form I-485 . . . where you applied for adjustment of status.

1. Exceptions

A. H, L, V, or K3/K4 nonimmigrants:

If you are an H, L, V, or K3/K4 nonimmigrant who continues to maintain his or her status, you may travel on a valid H, L, V, or K3/K4 visa without obtaining advance parole.

B. Refugees and asylees:

If you are applying for adjustment of status one year after you were admitted as a refugee or one year after you were granted asylum, you may travel outside the United States on your valid refugee travel document, if you have one, without the need to obtain advance parole.

If you apply for adjustment of status under section 245 of the Act, traveling anywhere outside the United States (including brief visits to Canada or Mexico) will lead to the denial of your Form I-485 as abandoned unless:

- You are an H, L, V or K3/K4 nonimmigrant who is maintaining lawful nonimmigrant status and you return with a valid H, L, V or K3/K4 nonimmigrant visa; OR
- You obtain, *before* you leave the United States, a grant of advance parole by filing Form I-131, Application for Travel Document, as specified in the Form I-131 instructions, and you are paroled into the United States when you return.

B. Applying for adjustment of status under section 209 of the Act

If you apply for adjustment of status under section 209 of the Act because you were admitted as a refugee or granted asylum, you may travel abroad and return to the United States with a refugee travel document. You may obtain a refugee travel document by filing Form I-131, Application for Travel Document, as specified in the Form I-131 instructions

C. Applying for registry of permanent residence under section 249 of the Act

Under the DHS regulations at 8 CFR Part 249, you do not “abandon” your registry application by traveling abroad while it is pending. If you do not obtain a grant of advance parole, however, you may not be able to return lawfully to the United States. You may obtain advance parole by filing Form I-131, Application for Travel Document, as specified in the Form I-131 instructions.

P. 11. New information: Insert the following paragraph after Privacy Notice Act and before Paperwork Reduction Act:

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.

Implementing these changes:

The instruction changes will take effect upon approval from OMB.

All changes to the Form referring to the CNMI will not take effect until the final conforming rule "Application of Immigration Regulations to the Commonwealth of the Northern Mariana Islands" RIN 1615-AB77, becomes effective.