

# Instruction Booklet for Filing Form I-485 and Supplement A

*A Guide to Adjustment of Status*



U.S. Citizenship  
and Immigration  
Services

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*Pre-Decisional Deliberative Draft*

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# ***GENERAL OVERVIEW***

## **What is Adjustment of Status?**

Adjustment of status is the process by which an eligible applicant who is present in the United States may become a lawful permanent resident (Green Card holder).

This instruction booklet only addresses applications to register permanent residence or adjust status. It does not address [consular processing](#), a procedure by which a foreign national applies for an immigrant visa at a U.S. embassy or consulate abroad and then later applies for admission into the United States at a port of entry as a lawful permanent resident.

## **What Does it Mean to Register Lawful Permanent Residence?**

Registering permanent residence is a process through which certain long-term continuous residents of the United States, including certain children born in the United States to foreign diplomat parents, may be deemed permanent residents and eligible to register their permanent residence with U.S. Citizenship and Immigration Services (USCIS).

# How to Use this Instruction Booklet

The Immigration and Nationality Act (INA) and certain other federal laws provide several different pathways to becoming a lawful permanent resident of the United States. Each path has its own specific eligibility rules.

USCIS compiled this instruction booklet to provide more information on these various pathways and to help you determine whether you meet the requirements to register lawful permanent residence or adjust your status to that of lawful permanent resident of the United States.

## Follow These Steps

Use Form I-485, Application to Register Permanent Residence or Adjust Status, to apply for adjustment of status or register lawful permanent residence while in the United States. Before you fill out Form I-485, follow the two steps below.

### STEP 1:

Read the general instructions for Form I-485 in this booklet. (See Page 1)

### STEP 2:

After reviewing the general instructions for Form I-485, read the additional instructions that relate to the specific immigrant category on which your application is based. The additional instructions include eligibility requirements, information on bars to adjustment and grounds of inadmissibility, and detailed document checklists for the following immigrant categories:

- [Family-based adjustment of status](#)
- [Employment-based adjustment of status](#)
- [Special immigrant adjustment of status](#)
- [Human trafficking and crime victim adjustment of status](#)
- [Asylee or refugee adjustment of status](#)
- [Adjustment of status for special programs based on certain public laws](#)
- [Additional options for adjustment of status](#)
- 245(i) adjustment of status

You do *not* need to review the entire Instruction Booklet. Only review the general Form I-485 instructions pertaining to all applicants and the section that pertains to your specific immigrant category. If you do not understand these instructions, you may wish to consult an attorney or accredited representative.

# Overview of the Application Process

## 1 Preparing to Apply

Once you have decided to register your lawful permanent residence or apply for adjustment of status to that of lawful permanent resident of the United States, please follow the two steps above, under [What is the Purpose of This Instruction Booklet?](#) You can obtain a Form I-485, Application to Register Permanent Residence or Adjust Status, free of charge from our website at [www.uscis.gov](http://www.uscis.gov).

## 2 Completing Your Application

Fill out your Form I-485 completely and attach all required evidence. Failure to provide all requested information and supporting evidence may delay the final decision in your case or result in denial of your application. We recommend you keep a copy of your completed application for your records.

**Important Note:** If you apply to adjust your status to lawful permanent resident under section 245(i) of the INA, ensure you fill out both Form I-485 and Form I-485 Supplement A completely and attach all required evidence and fees.

## 3 Attending Your Biometric Services Appointment

USCIS will schedule you to appear at an Application Support Center (ASC) in order to comply with the USCIS biometric collection requirement. At this appointment, we will collect your photograph, signature, and fingerprints, if required. If you are 14 through 79 years old, you must provide fingerprints as part of the USCIS biometric services requirement. All applicants, of all ages, are required to appear for their scheduled biometrics collection appointment regardless of whether a fee is required. A parent or guardian must accompany children under 14 years old to the ASC appointment.

After USCIS receives your application and ensures it is complete, we will mail you a notice (or send you an email if you e-filed your application) informing you of the date, time, and location of your ASC appointment. At this appointment, we will ask you to sign an acknowledgment certifying that you have reviewed the contents of your application and confirm that all of the information you provided in the application and in all supporting documents is complete, true, and correct.

If you fail to provide the requested acknowledgement, or if you fail to attend your biometric services appointment without giving proper notice and requesting that USCIS reschedule it, we may consider that you have abandoned your application and may deny your Form I-485.

We will verify your identity and conduct background and security checks, including a check of criminal history records maintained by the Federal Bureau of Investigation, before making a decision on your application.



## 4 Being Interviewed

We may request that you appear at a USCIS office for an interview based on your application. If USCIS requires an interview, we will mail you a notice informing you of when and where you must appear. If you fail to attend your interview, your application may be denied.

## 5 Reporting Your Change of Address

To make sure you receive important and time-sensitive notices and other correspondence regarding your application, please ensure you immediately notify USCIS of any change in your mailing address, including a new physical address. You can do this electronically through the USCIS website at [www.uscis.gov/addresschange](http://www.uscis.gov/addresschange).

## 6 Checking Your Immigration Case Status

If you have applied or petitioned for an immigration benefit, you can check the status of your case online. The USCIS [My Case Status](#) Web page allows you to see how far along your case is in the application process. My Case Status is available in [Spanish](#) as well (en español—[estatus de mi caso](#)).

## 7 Receiving a Decision

After USCIS reviews your complete application submission, conducts any required interviews, and completes processing of your application, we will send you a written decision on your application.



# Instructions for Application to Register Permanent Residence or Adjust Status

Department of Homeland Security  
U.S. Citizenship and Immigration Services

USCIS  
Form I-485  
OMB No. 1615-0023  
Expires 06/30/2015

## What Is the Purpose of Form I-485?

Form I-485, Application to Register Permanent Residence or Adjust Status, is used by a person who is physically present in the United States to apply for or register lawful permanent residence. This process of becoming a lawful permanent resident is often referred to as adjustment of status.

## Who Is Eligible to Register or Adjust Status?

The Immigration and Nationality Act (INA) and certain other Federal laws provide many different ways to register or adjust status to lawful permanent residence. These different ways to register or adjust status have varying eligibility rules that depend upon the immigrant category you are applying under. You must refer to the checklist in this **Instruction Booklet for Filing Form I-485 and Supplement A** (hereinafter referred to as **this “Instruction Booklet”**) that relates to your specific immigrant category in order to determine the exact eligibility rules that apply to you. The decision to approve an application to register lawful permanent residence or adjust status to an otherwise eligible applicant is generally a matter of U.S. Citizenship and Immigration Services (USCIS) discretion. You must be physically present in the United States to file this application.

## What Immigrant Category Do I File Under?

Persons eligible to register lawful permanent residence or adjust status to that of a lawful permanent resident may apply under one of the following immigrant categories (See the **Additional Instructions** section in **this Instruction Booklet** for a full list of eligibility requirements).

### 1. Immediate Relative of a U.S. citizen

You are the beneficiary of Form I-130, Petition for Alien Relative. This category includes the following relatives of U.S. citizens:

- A. Spouses;
- B. Unmarried children under 21 years of age; and
- C. Parents (if the U.S. citizen is 21 years of age or older).

### 2. Other relative of a U.S. citizen or a relative of a lawful permanent resident under the family-based preference categories

You are the beneficiary of Form I-130. This category includes the following family-based preference immigrant classifications:

- A. Unmarried sons and daughters, 21 years of age and older, of U.S. citizens;
- B. Spouses and unmarried children under 21 years of age of lawful permanent residents;
- C. Unmarried sons and daughters, 21 years of age and older, of lawful permanent residents;

D. Married sons and daughters of U.S. citizens; and

E. Brothers and sisters of U.S. citizens (if the U.S. citizen is 21 years of age or older).

**3. Person admitted to the United States as a fiancé(e) or child of a fiancé(e) of a U.S. citizen, Form I-129F (K-1/K-2 nonimmigrant)**

You were admitted to the United States as the K-1 fiancé(e) of a U.S. citizen and you married the U.S. citizen Form I-129F petitioner within 90 days of your admission; or you were admitted to the United States as the K-2 child of a fiancé(e) of a U.S. citizen (K-1), and your parent married the U.S. citizen Form I-129F petitioner within 90 days of K-1 admission.

**4. Widow or Widower of a U.S. citizen**

You were married to a person who is now deceased and who was a U.S. citizen at the time of death.

**5. Violence Against Women Act (VAWA) self-petitioner, Form I-360**

You are the victim of battery or extreme cruelty by a U.S. citizen or lawful permanent resident who is your spouse (or former spouse) or parent; or you are the victim of battery or extreme cruelty by a U.S. citizen who is your son or daughter.

**6. Alien worker**

You are the beneficiary of Form I-140, Immigrant Petition for Alien Worker. This includes:

- A. Priority workers (including aliens with extraordinary ability, outstanding professors and researchers, and certain multinational executives and managers);
- B. Members of the professions holding advanced degrees or aliens of exceptional ability; or
- C. Skilled workers, professionals, and other workers.

**7. Alien entrepreneur**

You filed Form I-526, Immigrant Petition by Alien Entrepreneur, and have invested \$1 million (or \$500,000 in a rural or high unemployment area) in a new commercial enterprise which will benefit the U.S. economy and create at least 10 jobs for U.S. citizens, lawful permanent residents, and other authorized workers.

**8. Special immigrant**

You are the beneficiary of Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, unless otherwise noted, in one of the following categories:

- A. **Religious worker.** You have been a member of a religious denomination for at least two years immediately prior to filing your application and will be working as a minister or in another professional capacity in a religious vocation or occupation for that denomination's bona fide nonprofit religious organization in the United States;
- B. **Special immigrant juvenile.** You are unmarried and have a qualifying order from a state juvenile court that makes the findings required under INA section 101(a)(27)(J);
- C. **Certain Afghanistan or Iraq national.** You are one of the following: a special immigrant Afghanistan or Iraq national who worked with the U.S. Armed Forces or U.S. Coast Guard as a translator; a special immigrant Iraq national who was employed by or on behalf of the U.S. Government; or a special immigrant Afghanistan national who was employed by or on behalf of the U.S. Government in Afghanistan or in the International Security Assistance Force;
- D. **Certain international broadcaster.** You are a broadcaster who works for the International Broadcasting Bureau of the U.S. Broadcasting Board of Governors (or its grantee) as a reporter, writer, translator, editor, producer, analyst, host, or announcer for news broadcasts;

- E. Certain G-4 international organization employee or family member or NATO-6 employee or family member.** You are a retired officer or employee of an international organization or a designated family member who maintained G-4, N, or NATO-6 status during a specified period of residence and physical presence in the United States or you are an accompanying or following-to-join spouse of a **retired officer or** employee; or
- F. Certain employee or former employee of the U.S. Government abroad.** You are an employee or honorably retired employee of the U.S. Government **abroad or of the American Institute in Taiwan, and have performed faithful service for** at least 15 years. You must be the beneficiary of an approved Form DS-1884, Petition to Classify Special Immigrant Under **INA 203(b)(4)** as an Employee or Former Employee of the U.S. Government Abroad.

**9. Human trafficking victim**

You may apply to adjust status under INA section 245(l) if you are a victim of human trafficking who was admitted to the United States in T nonimmigrant status, maintained continuous physical presence for the required period of time, are a person of good moral character, and have complied with reasonable requests to assist law enforcement authorities in the investigation or prosecution of acts of trafficking.

**10. Crime victim**

You may apply to adjust status under INA section 245(m) if you are a victim of certain specified crimes who was admitted to the United States in U nonimmigrant status, maintained continuous physical presence for the required period of time, and have complied with reasonable requests to assist law enforcement authorities in the investigation or prosecution of the criminal activity.

**11. Person granted asylum status**

You have been physically present in the United States for one year after your grant of asylum, and you still qualify as an asylee or as the spouse or child of an asylee.

**12. Person granted refugee status**

You have been physically present in the United States for one year after being admitted to the United States in refugee status, and your status has not been terminated.

**13. Person qualifying under certain special programs based on certain Public Laws**

You may apply if you qualify in one of the following special programs:

**A. Cuban Adjustment Act (CAA)**

- (1) You are a native or citizen of Cuba who was inspected and admitted or paroled into the United States after January 1, 1959, and you have been physically present in the United States for at least one year; or
- (2) You are a spouse or unmarried child of a Cuban described above (regardless of your nationality) who was inspected and admitted or paroled after January 1, 1959, and you have been physically present in the United States for at least one year;

**B. CAA for abused spouses and children**

You are an abused spouse or child of a CAA-eligible spouse or parent;

**C. Dependent status under the Haitian Refugee Immigrant Fairness Act (HRIFA)**

You are a qualifying Haitian national residing in the United States who is not eligible for adjustment of status under any other provision of law. Although the qualifying period has closed for principal HRIFA applicants, dependents may still file for adjustment if they meet eligibility requirements;

**D. Dependent status under HRIFA for abused spouses and children**

You are an abused spouse or child of a HRIFA-eligible spouse or parent;

**E. Former Soviet Union, Indochinese, or Iranian Parolee (Lautenberg Parolees)**

You are a qualifying foreign national previously denied refugee status, but were inspected and paroled into the United States for humanitarian reasons during the specified period and have lived here continuously for one year; or

**F. Diplomat or high ranking official unable to return home (Section 13 of the Act of September 11, 1957)**

You are a foreign national who entered the United States under diplomatic or semi-diplomatic status, failed to maintain lawful status, and can demonstrate compelling reasons why you cannot return to your home country.

**14. Additional Options**

**A. Diversity Visa program**

You are a Diversity Visa lottery winner (“selectee”) for the current fiscal year.

**B. Person claiming continuous residence in the United States since before January 1, 1972 (“Registry”)**

**C. Individual born in the United States to a parent with diplomatic status in the United States**

You are a foreign national born in the United States to a foreign diplomatic officer accredited to the United States (listed in the U.S. Department of State’s Diplomatic List (“Blue List”)) and you have maintained continuous residence in the United States since birth.

**D. Private immigration bill signed into law**

You are a foreign national who is the subject of a private immigration bill that has been signed into law, specifically making you eligible for lawful permanent resident status.

**E. Other eligibility**

You may be eligible for lawful permanent resident status under a special program not listed above (for example, certain physicians, certain U.S. Armed Forces members, Panama Canal Zone employees, Nicaraguan Adjustment and Central American Relief Act (NACARA) Section 202).

**15. Adjustment of status under INA section 245(i) (See Supplement A Instructions)**

You may be able to adjust status under INA section 245(i) even if you are ineligible for adjustment of status under INA section 245(a) because you:

- A. Last entered the United States without being admitted or paroled following inspection by an immigration officer;
- B. Are now employed or have ever been employed in the United States without authorization;
- C. Have you ever violated the terms of your nonimmigrant status; or
- D. Are otherwise barred from adjustment under INA section 245(c). (See **Item Numbers 2. - 11. in Adjustment Bars (INA section 245)** in the **Who Is Not Eligible to Adjust Status** section in these Instructions.)

**NOTE:** INA section 245(i) is not an immigrant category by itself. In order to adjust status using INA section 245(i), you must be eligible for a visa under a family-based, employment-based, special immigrant, or Diversity Visa immigrant category. You must select one of the immigrant categories listed in **Part 2., Item Number 1.** of Form I-485 as the basis for your application for adjustment of status.

**16. Derivative applicant (filing based on a principal applicant)**

You qualify as a derivative applicant and may file your Form I-485 to adjust status if you are currently the spouse or child (unmarried and under 21 years of age) of a principal applicant and:

- A. You are filing your Form I-485 at the same time the principal applicant files Form I-485;
- B. You are filing your Form I-485 after the principal applicant filed Form I-485 that remains pending a final decision by USCIS;

- C. You are filing your Form I-485 after USCIS approved the principal applicant's Form I-485 (and the principal applicant is still a lawful permanent resident) and at the time of that approval, you were the principal applicant's spouse or child; or
- D. You are filing your Form I-485 after the principal applicant obtained an immigrant visa and entered the United States as a lawful permanent resident (and the principal applicant is still a lawful permanent resident) and at the time of that entry, you were the principal applicant's spouse or child.

**NOTE:** You are a "child" under U.S. immigration law if you are unmarried, under 21 years of age, and meet the definition of "child" found in the INA and USCIS policy guidance. Visit [www.uscis.gov](http://www.uscis.gov) for more information on the definition of "child." You may still be considered a child for immigration purposes even after turning 21 years of age if you qualify under the provisions of the Child Status Protection Act (CSPA). For more information on CSPA, see [www.uscis.gov/green-card/green-card-processes-and-procedures/child-status-protection-act/child-status-protection-act-cspa](http://www.uscis.gov/green-card/green-card-processes-and-procedures/child-status-protection-act/child-status-protection-act-cspa).

**NOTE:** Some of the immigrant categories above do not allow individuals to apply as derivatives. Refer to the **Additional Instructions** section in **this Instruction Booklet** to determine if the immigrant category you are applying under allows individuals to apply as derivatives.

**NOTE:** USCIS cannot approve your Form I-485 as a derivative applicant until the principal applicant has been granted lawful permanent resident status (with the exception of U nonimmigrants, asylees, and refugees).

There are a few special categories where certain **additional family members** qualify as derivative applicants and can adjust status. These include:

- A. Adjustment applicants in T or U nonimmigrant status;
- B. Applicants under Section 13 of the Act of September 11, 1957 (Public Law 85-316); and
- C. Those applying as dependents under HRIFA.

### Who Is Not Eligible to Adjust Status? (Adjustment Bars and Grounds of Inadmissibility)

You may not be eligible to apply for adjustment of status if one or more adjustment bars or grounds of inadmissibility apply to you. Your immigrant category may exempt you from, or make you eligible for a waiver of, certain adjustment bars and grounds of inadmissibility. Refer to the **Additional Instructions** section in **this Instruction Booklet** that relate to the specific immigrant category you are applying under for a full list of eligibility requirements.

#### Adjustment Bars

Depending on how you entered the United States or if you committed a particular act or violation of immigration law, you may be barred from adjusting status. The INA lists these bars to adjustment.

1. You last entered the United States without being admitted or paroled after inspection by an immigration officer;
2. You last entered the United States as a nonimmigrant crewman;
3. You are now employed or have ever been employed in the United States without authorization;
4. You are not in lawful immigration status on the date of filing this application;
5. You have ever failed to continuously maintain a lawful status since entry into the United States, unless your failure to maintain status was through no fault of your own or for technical reasons;
6. You were last admitted to the United States in transit without a visa;
7. You were last admitted to the United States as a nonimmigrant visitor without a visa under the Guam or Commonwealth of the Northern Mariana Islands Visa Waiver Program and you are not a Canadian citizen;



8. You were last admitted to the United States as a nonimmigrant visitor without a visa under the Visa Waiver Program (See [travel.state.gov/content/visas/english/visit/visa-waiver-program.html](http://travel.state.gov/content/visas/english/visit/visa-waiver-program.html));
9. You are deportable due to involvement in a terrorist activity or group;
10. You are seeking employment-based adjustment of status and you are not maintaining a lawful nonimmigrant status on the date of filing this application;
11. You have ever violated the terms of your nonimmigrant status;
12. You are a conditional permanent resident; or
13. You were admitted as a K-1 fiancé(e), but did not marry the U.S. citizen who filed the petition for you, or you were admitted as the K-2 child of a fiancé(e) and your parent did not marry the U.S. citizen who filed the **petition**.

**NOTE:** This is NOT a comprehensive list of all adjustment **bars**.

**NOTE:** Some of the adjustment bars listed above in **Items 1. - 13.** may not apply to you. For example, certain adjustment bars do not apply to immediate relatives, VAWA-based applicants, certain special immigrants, or employment-based immigrants. Refer to the **Bars to Adjustment and Grounds of Inadmissibility** section in **this Instruction Booklet** relating to the specific immigrant category you are applying under to determine whether any of the adjustment bars listed above apply to you.

### Grounds of **Inadmissibility**

You are inadmissible to the United States and ineligible for adjustment of status if one or more of the grounds listed in INA section 212 apply to you, unless you are eligible for and are granted a waiver of the ground of inadmissibility or another form of relief. For more information on grounds of inadmissibility and exemptions that apply to you, refer to **Item 10.** in the **What Evidence Must You Submit with Form I-485** section of these Instructions and the **Additional Instructions** section in **this Instruction Booklet** that relates to your specific immigrant category.

**NOTE:** If you are or were a J-1 or J-2 exchange visitor and are subject to the 2-year foreign residence requirement of INA section 212(e), you may not apply to adjust status unless you have complied with the foreign residence requirement or have been granted a waiver of the foreign residence requirement. See the Instructions for Form I-612, Application for Waiver of the Foreign Residence Requirement, for more information.

## General Instructions

USCIS provides forms free of charge through the USCIS Web site. In order to view, print, or fill out our forms, you should use the latest version of Adobe Reader, which you can download for free at <http://get.adobe.com/reader/>. If you do not have Internet access, you may call the USCIS National Customer Service Center at **1-800-375-5283** and ask that we mail a form to you. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

**Form G-325A.** Form G-325A is no longer required. You do not need to submit a separate Form G-325A with this Form I-485. **Parts 1.** and **3.** of this Form I-485 meet the requirements of 8 CFR 245.3(a)(3)(i) by collecting the biographical information formerly required on Form G-325A.

**Signature.** Each application must be properly signed and filed. For all signatures on this application, USCIS will not accept a stamped or typewritten name in place of a signature. If you are filing this application electronically, when authorized, USCIS will accept your signature in electronic format. If you are under 14 years of age, your parent or legal guardian may sign the application on your behalf. (See the **Additional Instructions** section in **this Instruction Booklet** that relates to Individuals Born Under Diplomatic Status in the United States, for one exception.) A legal guardian may also sign for a mentally incompetent person.

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**Filing Fee.** Each application must be accompanied by the appropriate filing fee and biometric services fee (if applicable). (See the **What Is the Filing Fee** section of these Instructions.) If you file this application with an agency other than USCIS, please check with that agency to determine if and when you must submit biometric services fees.

**Evidence.** At the time of filing, you must submit all evidence and supporting documentation listed in the **Additional Instructions** section in this **Instruction Booklet** that relates to your specific immigrant category. In addition, the **What Evidence Should You Submit with Form I-485** section of these Instructions provides a detailed explanation of the required evidence.

**Biometric Services Appointment.** USCIS may require that you appear for an interview or provide fingerprints, photograph, and/or signature at any time to verify your identity, obtain additional information, and conduct background and security checks, including a check of criminal history records maintained by the Federal Bureau of Investigation (FBI), before making a decision on your application. After USCIS receives your application and ensures it is complete, we will inform you in writing (or by email notice if you e-file your application), if you need to attend a biometric services appointment. If an appointment is necessary, the notice will provide you the location of your local or designated USCIS Application Support Center (ASC) and the date and time of your appointment. If you fail to attend your biometric services appointment, USCIS may deny your application. For applicants and dependents who appear before an immigration judge, failure to attend a biometric services appointment, without good cause, may result in the immigration judge finding that your application was abandoned, and USCIS may also deny any other application, petition, or request you filed with USCIS.

**Acknowledgement of Appointment at USCIS Application Support Center.** Review the ASC Acknowledgement that appears in **Part 10** of the application. The purpose of this ASC Acknowledgement is to confirm that you have completed your application, reviewed your responses, and affirmed that the information was provided by you and is complete, true, and correct. If someone helped you fill out your application, that person must review the ASC Acknowledgement with you to make sure you understand it.

**Copies.** You may submit legible photocopies of documents requested, unless the Instructions specifically state that you must submit an original document. USCIS may request an original document at the time of filing or at any time during processing of an application, petition, or request. If you submit original documents when not required, the documents may remain a part of the record, and USCIS or the Immigration Court will not automatically return them to you.

**Translations.** If you submit a document with information in a foreign language, you must also submit a full English translation. The translator must sign a certification that the English language translation is complete and accurate, and that he or she is competent to translate from the foreign language into English.

**Selective Service.** If you are a male at least 18 years of age, but not yet 26 years of age, and required according to the Military Selective Service Act to register with the Selective Service System, USCIS will help you register.

When your signed application is filed with and accepted by USCIS, we will transmit to the Selective Service System your name, current address, Social Security number, date of birth, and the date you filed the application. This action will enable the Selective Service System to record your registration as of the filing date of your application.

If USCIS does not accept your application and, if still so required, you are responsible to register with the Selective Service System by using another mean, provided you are under 26 years of age. If you have already registered, the Selective Service System will check its records to avoid any duplication.

**Acknowledgement of Selective Service.** Review the Selective Service Acknowledgement in **Part 10**. The purpose of this acknowledgement is to confirm that you understand USCIS will be sending your information to the Selective Service System for registration.

**NOTE:** Men 18 to 25 years of age who are applying for student financial aid, government employment, or job training benefits should register directly with the Selective Service System or such benefits may be denied. Men can register at a local post office or at the Web site, [www.sss.gov](http://www.sss.gov).



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## How To Fill Out Form I-485

1. Type or print legibly in black ink.
2. If you need extra space to complete any item within this application, use the space provided in **Part 13. Additional Information** or attach a separate sheet of paper; type or print your name and Alien Registration Number (A-Number) (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.
3. Answer all questions fully and accurately. If a question does not apply to you (for example, if you have never been married and the question asks “Provide the name of your current spouse”), type or print “N/A,” unless otherwise directed. If your answer to a question which requires a numeric response is zero or none (for example, “How many children do you have” or “How many times have you departed the United States”), type or print “None,” unless otherwise directed.
4. **USCIS ELIS Account Number** (if any). If you have previously filed an application, petition, or request using the USCIS Electronic Immigration System (USCIS ELIS), provide the USCIS ELIS Account Number you were issued by the system. The USCIS ELIS Account Number is **not** the same as an A-Number. If you were issued a USCIS ELIS Account Number, enter it in the space provided.
5. **Alternate and/or Safe Address**. If you are filing an adjustment of status application based on **VAWA** or as a **special immigrant juvenile, human trafficking victim (T nonimmigrant), or crime victim (U nonimmigrant)** and you do not feel safe in receiving correspondence regarding this **application** at your home address, provide an alternative and/or safe mailing address in **Part 1., Item Number 12**. This address may be a post office box, the address of a friend, your attorney, a community-based organization that is helping you, or any other address where you can safely and punctually receive mail. If an alternate and/or safe address is not provided in **Part 1., Item Number 12.**, USCIS may use the address of your preparer, if any.
6. **Form I-94 Arrival-Departure Record**. If U.S. Customs and Border Protection (CBP) or USCIS issued you a Form I-94, Arrival-Departure Record, provide your Form I-94 number and date that your authorized period of stay expires or expired (as shown on Form I-94). The Form I-94 number also is known as the Departure Number on some versions of Form I-94.

**NOTE:** If you were admitted to the United States by CBP at an airport or seaport after April 30, 2013, you may have been issued an electronic Form I-94 by CBP, instead of a paper Form I-94. You may visit the CBP Web site at [www.cbp.gov/i94](http://www.cbp.gov/i94) to obtain a paper version of an electronic Form I-94. CBP **does not** charge a fee for this service. Some travelers admitted to the United States at a land border, airport, or seaport, after April 30, 2013 with a passport or travel document, who were issued a paper Form I-94 by CBP, may also be able to obtain a replacement Form I-94 from the CBP Web site without charge. If your Form I-94 cannot be obtained from the CBP Web site, it may be obtained by filing Form I-102, Application for Replacement/Initial Nonimmigrant Arrival-Departure Record, with USCIS. USCIS **does** charge a fee for this service.

**Passport and Travel Document Numbers.** If you used a passport or travel document to travel to the United States, enter either the passport or travel document information in the appropriate space on the application, even if the passport or travel document is currently expired.

7. **Biographic Information.** Provide the biographic information requested in **Part 6., Item Numbers 1. - 6.** Providing this information as part of your application may reduce the time you spend at your USCIS ASC appointment as described in the **Biometric Services Appointment** section of these Instructions.
  - A. **Ethnicity and Race.** Select the boxes that best describe your ethnicity and race.
  - B. **Categories and Definitions for Ethnicity and Race**
    - (1) **Hispanic or Latino.** A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. (**NOTE:** This category is only included under Ethnicity in Part 6., Item Number 1.)
    - (2) **White.** A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

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- (3) **Asian.** A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- (4) **Black or African American.** A person having origins in any of the black racial groups of Africa.
- (5) **American Indian or Alaska Native.** A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.
- (6) **Native Hawaiian or Other Pacific Islander.** A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- C. **Height.** Select the values that best match your height in feet and inches. For example, if you are five feet and nine inches, select “5” for feet and “09” for inches. Do not enter your height in meters or centimeters.
- D. **Weight.** Enter your weight in pounds. If you do not know your weight, or need to enter a weight under 30 pounds or over 699 pounds, enter “000.” Do not enter your weight in kilograms.
- E. **Eye Color.** Select the box that best describes the color of your eyes.
- F. **Hair Color.** Select the box that best describes the color of your hair.
8. **Part 10. Applicant’s Statement, Contact Information, Acknowledgement of Appointment at USCIS Application Support Center, Certification, and Signature.** Select the appropriate box to indicate that you either read this application yourself or someone interpreted this application for you from English to a language in which you are fluent. If applicable, select the box to indicate if someone prepared this application for you. You must also affirm that you have read and understand or that an interpreter or preparer read to you, and you understand the **Acknowledgement of Appointment at USCIS Application Support Center in Part 10.** Further, you must sign and date your application and provide your daytime telephone number, mobile telephone number (if any), and email address (if any). Every application **MUST** contain the signature of the applicant (or parent or legal guardian, if applicable). A stamped or typewritten name in place of a signature is not acceptable.
9. **Part 11. Interpreter’s Contact Information, Certification, and Signature.** If you used anyone as an interpreter to read the instructions and questions on this application to you in a language in which you are fluent, the interpreter must fill out this section, provide his or her name, the name and address of his or her business or organization (if any), his or her daytime telephone number, and his or her email address (if any). The interpreter must also certify that he or she has read the **Acknowledgement of Appointment at USCIS Application Support Center in Part 10.** to you in the same language in which you are fluent. The interpreter must sign and date the application.
10. **Part 12. Contact Information, Certification, and Signature of the Person Preparing this Application, If Other Than the Applicant.** This section must contain the signature of the person who completed your application, if other than you, the applicant. If the same individual acted as your interpreter **and** your preparer, that person should complete both **Part 11.** and **Part 12.** If the person who completed this application is associated with a business or organization, that person should complete the business or organization name and address information. Anyone who helped you prepare this application **MUST** sign and date the application. A stamped or typewritten name in place of a signature is not acceptable. Anyone who helped you prepare your application must also certify that he or she has read the **Acknowledgement of Appointment at USCIS Application Support Center in Part 10.** to you, and that you informed him or her that you understood the ASC Acknowledgement. If the person who helped you prepare your application is an attorney or accredited representative, he or she must also submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, along with your application.
11. **Additional Information.** If you need extra space to provide any additional information within this application, use the space provided in **Part 13. Additional Information.** If you need more space than what is provided in **Part 13.,** you may make copies of **Part 13.** to complete and file with your application, or attach a separate sheet of paper. Include your name and A-Number (if any) at the top of each sheet; indicate the **Page Number, Part Number,** and **Item Number** to which your answer refers; and sign and date each sheet.

**We recommend that you print or save a copy of your completed application to review in the future and for your records. We recommend that you review your copy of your completed application before you come to your biometric services appointment at a USCIS ASC.** At your appointment, USCIS will permit you to complete the application process only if you are able to confirm, under penalty of perjury, that all of the information in your application is complete, true, and correct. If you are not able to make that attestation in good faith at that time, USCIS will require you to return for another appointment.

## What Evidence Must You Submit with Form I-485?

You must submit all evidence requested in these Instructions with your application. If you fail to submit required evidence, USCIS may reject or deny your application for failure to submit requested evidence or supporting documents in accordance with 8 CFR 103.2(b)(1) and these Instructions.

This section provides a detailed explanation of specific types of evidence. The evidence you must submit with your application depends on the immigrant category you are filing under. Refer to your specific immigrant category in the **Additional Instructions** section in **this Instruction Booklet** for a complete **Evidence Checklist** of all the evidence you must **submit**.

**Failure to submit all specified evidence and documentation when filing Form I-485 will delay processing of your application.** This will also delay any related applications based on Form I-485, such as Form I-765, Application for Employment Authorization, or Form I-131, Application for Travel Document. See the **What Is the Filing Fee** section in these Instructions for more information on filing these related applications. To see the complete checklist of all evidence you must submit with your Form I-485, refer to the checklist listed in the **Additional Instructions** section in **this Instruction Booklet** that relates to your specific immigrant category.

### 1. Photographs

You **must** submit two identical passport-style photographs of yourself taken within 30 days of filing this application. These passport-style photos must measure 2 inches by 2 inches, have a white to off-white background, be printed on thin paper with a glossy finish, and be unmounted and unretouched.

The photos must be in color with full face, frontal **view**. **Head** height should measure 1 inch to 1 3/8 inches from top of hair to bottom of chin, and eye height is between 1 1/8 **inches** to 1 3/8 inches from bottom of photo. Your head must be bare unless you are wearing headwear as required by a religious denomination of which you are a member. Using a pencil or felt pen, lightly print your name and A-Number (if any) on the back of the photo. Visit the following Department of State Web site at [travel.state.gov/content/passports/english/passports/photos/photo-examples.html](http://travel.state.gov/content/passports/english/passports/photos/photo-examples.html) for examples.

**NOTE:** If you are applying as a human trafficking victim or crime victim, you do not need to submit photographs.

### 2. Government-Issued Identity Document with Photograph

You must submit a photocopy of a government-issued identity document bearing your photograph. Typically, this will be your passport or similar document, even if the passport is now expired.

**NOTE:** If the legal name you currently use is different than a previous legal name, you must submit evidence to prove the legal name change, such as a marriage certificate, adoption certificate, court order, or similar official document.

### 3. Birth Certificate

You must submit a photocopy of your birth certificate issued by the appropriate civil authority.

USCIS will only accept a “long-form” birth certificate which lists both parents.

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If your birth certificate is not available or does not exist, you must prove its unavailability or nonexistence and provide acceptable alternative evidence of birth. You can look up your country of birth in Volume 9, Foreign Affairs Manual, Country Reciprocity Schedule, at the following Web site, [travel.state.gov/content/visas/english/fees/reciprocity-by-country.html](http://travel.state.gov/content/visas/english/fees/reciprocity-by-country.html), published by the Department of State, to see if documents are known to be unavailable or nonexistent.

- A. If this resource shows that birth certificates from your country of birth are generally unavailable or nonexistent, you do not need to do anything to prove that your birth certificate is unavailable or nonexistent.
- B. If this resource does **not** show that birth certificates from your country of birth are generally unavailable or nonexistent, you must submit an original written document from the relevant governmental authority explaining why your birth record does not exist and indicate whether similar records for the time and place are available.
- C. In all instances, when your birth certificate is not available or does not exist, you must submit other acceptable evidence relating to the facts of your birth, such as church or school records, hospital or medical records, personal affidavits, or similar evidence.

#### 4. **Marriage Certificate and Other Proof of Relationship**

If you are filing Form I-485 as the derivative applicant spouse of the principal applicant, you must submit a photocopy of your marriage certificate issued by the appropriate civil authority. **If either party to this marriage was previously married, you must also submit evidence to prove the legal termination of any prior marriages, typically a divorce certificate or death certificate.**

**If a required marriage certificate (or divorce certificate or death certificate) is unavailable or does not exist, you must demonstrate its unavailability/nonexistence and provide other acceptable evidence as explained above for birth certificates.**

**If you are filing as the derivative applicant child of the principal applicant and your birth certificate is not sufficient to prove you are the principal applicant's "child," you must submit a photocopy of your parents' marriage certificate, your adoption certificate, or other proof of your parent-child relationship with the principal applicant.**

#### 5. **Inspection and Admission or Parole**

Most Form I-485 applicants must submit photocopies of documentation showing they were inspected by an immigration officer and admitted or paroled. This evidence must relate to your most recent U.S. entry and includes documents such as your:

- A. Passport page with admission or parole stamp (issued by a U.S. immigration officer); or
- B. Form I-94 Arrival-Departure Record (See **Form I-94 Arrival-Departure Record** in the **General Instructions** section of these Instructions).

#### 6. **Evidence of Continuously Maintaining a Lawful Status Since Entry Into the United States**

Most Form I-485 applicants must submit evidence to demonstrate they have continuously maintained valid nonimmigrant status while in the United States. Such evidence may include:

- A. Form I-797 approval notices for all extensions and changes of nonimmigrant status;
- B. Form I-94 Arrival-Departure Record, including printouts of paperless I-94 admissions;
- C. Form I-20, **Certificate** of Eligibility for Nonimmigrant (F-1) Student Status - **For** Academic and Language Students, or Form I-20, **Certificate** of Eligibility for Nonimmigrant (M-1) Student Status - **For** Vocational Students, including all pages containing notations by authorized school officials;
- D. Form DS-2019, formerly IAP 66, Certificate of Eligibility for Exchange Visitor (**J-1**) Status, including all pages containing **notations** by authorized exchange visitor program officials; or
- E. Passport page with an admission **or** parole stamp (**issued by a U.S. immigration officer**).



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Include evidence for all entries and time periods spent inside the United States. Refer to the **Bars to Adjustment and Grounds of Inadmissibility** section in **this Instruction Booklet** that relates to the specific immigrant category you are applying **under** to determine whether the INA section 245(k) exemption applies to you.

## 7. Evidence of Financial Support

In general, you must demonstrate that you are not likely to become a public charge. This means you must show that you will be able to financially support yourself as a lawful permanent resident living indefinitely in the United States. For example, if you are the beneficiary of a Form I-129F, Petition for Alien Fiancé(e), or Form I-130, Petition for Alien Relative, you must submit Form I-864 or I-864EZ, Affidavit of Support under Section 213A of the INA. If the individual who is required to provide Form I-864 for you does not have enough income or assets, you may also need another Form I-864 from a different individual (a joint sponsor) who can meet the support requirements. If the individual who is required to provide a Form I-864 for you has died, another individual may submit Form I-864 as a substitute sponsor. If you are exempt from the Affidavit of Support requirement, you must file Form I-864W, Intending Immigrant's Affidavit of Support Exemption. For more information about the Form I-864 requirements, visit [www.uscis.gov/i-864](http://www.uscis.gov/i-864). For more information on how receiving public benefits may impact how USCIS will determine if you might become a public charge, visit [www.uscis.gov/news/fact-sheets/public-charge-fact-sheet](http://www.uscis.gov/news/fact-sheets/public-charge-fact-sheet).

## 8. Report of Medical Examination and Vaccination Record (Form I-693)

You may be required to have a medical examination to show that you are free from health conditions that would make you inadmissible. Refer to the appropriate **Evidence Checklist** listed in the **Additional Instructions** section in **this Instruction Booklet** that **relates to** your specific immigrant category to determine whether or not you must undergo a medical examination. Only a USCIS designated civil surgeon in the United States can perform this medical examination. The civil surgeon must document the results of your medical examination on Form I-693, Report of Medical Examination and Vaccination Record. For more information on the medical examination, see the Form I-693 Instructions.

## 9. Certified Police and Court Records of Criminal Charges, Arrests, or Convictions

- A. If you were **EVER** arrested or detained by a law enforcement officer for any reason **anywhere** in the world, including the United States, and no criminal charges were filed, you must submit:
- (1) An original or certified copy of the complete arrest report; and
  - (2) **Either an** official statement by the arresting or detaining agency or prosecutor's **office OR an** applicable court order that indicates the final disposition of your arrest or detention;
- B. If you were **EVER** charged for any reason (even if you were not arrested) **anywhere** in the world, including the United States, you must submit:
- (1) An original or certified copy of the complete arrest report; and
  - (2) Certified copies of **BOTH** the indictment, information, or other formal charging document **AND** the final disposition of each charge (for example, a dismissal order or acquittal order);
- C. If you were **EVER** convicted or placed in an alternative sentencing or rehabilitative program (such as probation, drug treatment, deferred adjudication, or community service program) **anywhere** in the world, including the United States, you must submit:
- (1) An **original or certified** copy of the complete arrest report;
  - (2) Certified copies **of the following**: the indictment, information, or other formal charging document; any plea agreement, whether in the form of a court filing or recording in a hearing transcript; and the final disposition for each incident (for example, conviction record, deferred adjudication order, probation **order**); **and**
  - (3) **Either evidence** that you completed the mandated sentence, conditions set for the deferred adjudication, or rehabilitative program, specifically an original or certified copy of your probation or parole record **OR** documentation showing that you completed the alternative sentencing or rehabilitative program; or

**D.** If you **EVER** had any arrest or conviction vacated, set aside, sealed, expunged, or otherwise removed from your record **anywhere** in the world, you must submit:

- (1) An original or certified copy of the complete arrest report;
- (2) Certified copies **of**: the indictment, information, or other formal charging document; any plea agreement, whether in the form of a court filing or recording in a hearing transcript; and the final disposition for each incident (for example, conviction record, deferred adjudication order, probation order); and
- (3) A certified copy of the court order vacating, setting aside, sealing, expunging, or otherwise removing the arrest or conviction.

**NOTE:** In general, you do **not** need to submit documentation relating to traffic fines and incidents that did not involve an actual physical arrest if the penalty was only a fine of less than \$500 or points on your driver's license. However, you must submit such documentation if the traffic incident resulted in criminal charges or involved injury to a person or property, alcohol, or drugs.

**NOTE:** An adjudication of juvenile delinquency is not a "conviction" for purposes of the immigration laws. But if a minor is charged with a crime in a criminal court proceeding, rather than being placed in a juvenile court proceeding, the charges could be relevant. You must disclose all arrests and charges. If any arrest or charge was disposed of as a matter of juvenile delinquency, include the court or other public record that establishes this disposition.

## 10. Waiver of Inadmissibility

Immigration laws specify acts, conditions, and conduct that bar foreign nationals from obtaining adjustment of status. These acts, conditions, and conduct are outlined in INA section 212 and are called **grounds of inadmissibility**.

If USCIS (or the Immigration Court, for people in removal proceedings) determines that none of the grounds of inadmissibility apply to you, you are admissible to the United States and there is no need for you to file a waiver of inadmissibility or other form of relief.

If a ground of inadmissibility does apply to you, you may need to seek a waiver or other form of relief that would eliminate the inadmissibility.

Whether a ground of inadmissibility applies to you and whether a waiver or other form of relief is available depends on your actions or conduct, and your specific immigrant category. For more information on grounds of inadmissibility and exceptions that apply to you, review the specific immigrant category in the **Additional Instructions** section in **this Instruction Booklet**.

## 11. Documentation Regarding J-1 or J-2 Exchange Visitor Status

If you **currently hold** J-1 (principal) or J-2 (dependent) Exchange Visitor status, or if you **ever held** such status, you must submit copies of all Forms IAP-66 and/or Forms DS-2019, Certificate of Eligibility for Exchange Visitor (**J-1**) Status, issued to you. You **must** also submit copies of all available J-1 or J-2 nonimmigrant visas issued to you, and copies of all available Form I-94 and passport pages with entry stamps showing your admission to the United States in J-1 or J-2 status. In addition, if your J status made you subject to the 2-year foreign residence requirement of INA section 212(e), you must submit documentation to show that you complied with the foreign residence requirement or have been granted a waiver of the foreign residence requirement prior to filing Form I-485. See the Instructions for Form I-612, Application for Waiver of the Foreign Residence Requirement, for more information.

### What Is the Filing Fee?

The filing fee for Form I-485 is **\$985**. If you are **13 years of age or younger** and:

- A.** Are filing **with** a parent's Form I-485, the filing fee for Form I-485 is **\$635**; or
- B.** Are filing **without** a parent's Form I-485, the filing fee for Form I-485 is **\$985**.

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A biometric services fee of **\$85** is also required for applicants between 14 and 79 years of age.

If you are **79 years of age or older**, you do not need to pay a biometric services fee. However, you must still appear for your scheduled biometrics collection appointment.

If you are **13 years of age or younger**, you do not need to pay a biometric services fee. However, you must still appear for your scheduled biometrics collection appointment. (If you turn 14 years of age while your application is pending, you will then have to pay an **\$85** biometric services fee before USCIS will adjudicate your application.)

You do not need to pay the Form I-485 filing fee or biometric services fee if:

- A.** You are a refugee adjusting status under INA section 209(a). Refugees are automatically exempt from paying the Form I-485 filing fee and biometric services fee and are not required to demonstrate inability to pay; or
- B.** You qualify for and receive a fee waiver based on your inability to pay;
  - (1)** You may be eligible for a fee waiver under 8 CFR 103.7(c). If you believe you are eligible for a fee waiver, complete Form I-912, Request for Fee Waiver (or a written request), and submit it and any required evidence of your inability to pay the filing fee with this application. You can review the fee waiver guidance at [www.uscis.gov/feewaiver](http://www.uscis.gov/feewaiver); or
  - (2)** If you are in proceedings in an immigration court, an immigration judge can choose to waive an application fee if you demonstrate that you are unable to pay the filing fee. See 8 CFR 1003.24. If you believe you are eligible for a fee waiver, file a written request with the immigration court, along with any required evidence of your inability to pay the filing fee with this application. For additional information on filing a request for a fee waiver, see the Immigration Court Practice Manual at [www.justice.gov/eoir/office-chief-immigration-judge-0](http://www.justice.gov/eoir/office-chief-immigration-judge-0).

**NOTE:** The filing fee and biometric services fee are not refundable, regardless of any action USCIS takes on this application. **DO NOT MAIL CASH.** You must submit all fees in the exact amounts.

**Use the following guidelines when you prepare your checks or money orders for the Form I-485 filing fee and biometric services fee:**

- 1.** The checks or money orders 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 checks or money orders payable to **U.S. Department of Homeland Security**.

**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, USCIS will convert it 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 your bank will show it on your regular account statement.

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

#### **How to Check If the Fees Are Correct**

Form I-485 filing fee and biometric services fee are current as of the edition date in the lower left corner of this page. However, because USCIS fees change periodically, you can verify that the fees are correct by following one of the steps below.

- 1.** Visit the USCIS Web site at [www.uscis.gov](http://www.uscis.gov), select “FORMS,” and check the appropriate fee; or
- 2.** Call the USCIS National Customer Service Center at **1-800-375-5283** and ask for fee information. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

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## Filing Form I-485 with Forms I-765 and I-131

If you file Form I-485 and pay the required fees, you may file Form I-765 and Form I-131 without paying additional fees. You may file these forms together, or if you choose to file Form I-765 or Form I-131 separately, you must also submit a copy of your I-797C, Notice of Action, receipt as evidence that you filed and paid for Form I-485.

### Where To File?

Please see our Web site at [www.uscis.gov/I-485](http://www.uscis.gov/I-485) or call our National Customer Service Center at **1-800-375-5283** for the most current information about where to file this application. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

If you are in proceedings in Immigration Court (that is, if you have been served with Form I-221, Order to Show Cause and Notice of Hearing; Form I-122, Notice to Applicant for Admission Detained for Hearing Before an Immigration Judge; Form I-862, Notice to Appear; or Form I-863, Notice of Referral to Immigration Judge, that U.S. Department of Homeland Security (DHS) filed with the Immigration Court), you should file this application with the appropriate Immigration Court. Pre-Order Filing Instructions regarding background and security investigations will be provided to you by the DHS attorney.

### Address Change

In order to ensure you receive important correspondence from USCIS regarding this application, you should immediately notify USCIS of any change in your mailing address. By law, you must notify USCIS of any change in your physical address within 10 days of moving from your previous residence. For information on filing a change of address go to the USCIS Web site at [www.uscis.gov/addresschange](http://www.uscis.gov/addresschange) or contact the USCIS National Customer Service Center at **1-800-375-5283**. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

**If you are already in proceedings in Immigration Court, you must also notify the Immigration Court on EOIR Form 33/IC, Alien's Change of Address Form/Immigration Court, of any changes of address within five days of the change in address.** The EOIR Form 33/IC is available on the EOIR Web site at [www.justice.gov/eoir/formslist.htm](http://www.justice.gov/eoir/formslist.htm).

**NOTE:** Do not submit a change of address request to USCIS Lockbox facilities because these facilities do not process change of address requests.

### Processing Information

**You must be physically present in the United States and provide a United States address to file this application.**

**USCIS will reject any application that is not signed or accompanied by the correct filing fee and issue you a notice that your Form I-485 is deficient.** You may correct the deficiency and resubmit Form I-485. Form I-485 is not considered properly filed until USCIS accepts it.

**Initial Processing.** Once USCIS accepts your application, we will check it for completeness. If you do not completely fill out this application, you will not establish a basis for your eligibility and USCIS may reject or deny your application.

**Requests for More Information.** We may request that you provide more information or evidence to support your application. We may also request that you provide the originals of any copies you submit. USCIS will return any requested originals when they are no longer needed.

**Requests for Interview.** We may request that you appear at a USCIS office for an interview based on your application. At the time of any interview or other appearance at a USCIS office, we may require that you provide your fingerprints, photograph, and/or signature to verify your identity and/or update background and security checks.



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**Decision.** The decision on Form I-485 involves a determination of whether you have established eligibility for the immigration benefit you are seeking. USCIS will notify you of the decision in writing.

### **Effect of Departure from the United States While Your Application Is Pending**

- 1. If you are applying for adjustment of status under INA section 245,** and if you travel anywhere outside the United States (including brief visits to Canada or Mexico) while your application is pending, USCIS will deny your Form I-485 unless:
  - A.** 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
  - B.** Before you leave the United States, you obtain a grant of advance parole by filing Form I-131 as specified in the Form I-131 Instructions, and you are paroled into the United States when you return.
- 2. If you are applying for adjustment of status under INA section 209** 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 as specified in the Form I-131 Instructions. However, see Form I-131 Instructions for a travel warning regarding voluntary re-availment.
- 3. If you are applying for registry under INA section 249 and 8 CFR 249,** you do not abandon your registry application by traveling abroad while it is pending. However, if you do not obtain an advance parole document, you may not be able to return lawfully to the United States. You may obtain an advance parole document by filing Form I-131 as specified in the Form I-131 Instructions.

### **Individuals With Disabilities and/or Impairments**

USCIS is committed to providing reasonable accommodations for qualified individuals with disabilities and/or impairments that will help them fully participate in USCIS programs and benefits. Reasonable accommodations vary with each disability and/or impairment. They may involve modifications to practices or procedures. There are various types of reasonable accommodations that USCIS may offer. Examples include but are not limited to:

- 1.** If you are deaf or hard of hearing, USCIS may provide you with a sign-language interpreter at an interview or other immigration benefit-related appointment;
- 2.** If you are blind or have low vision, USCIS may permit you to take a test orally rather than in writing; or
- 3.** If you are unable to travel to a designated USCIS location for an interview, USCIS may visit you at your home or a hospital.

If you believe that you need USCIS to accommodate your disability and/or impairment, select “Yes” and then any applicable box in **Items A. - C. in Item Number 1.** that describes the nature of your disabilities and/or impairments. Also, describe the types of accommodations you are requesting on the lines provided. If you are requesting a sign-language interpreter, indicate for which language. If you need extra space to complete this section, use the space provided in **Part 13. Additional Information.**

**NOTE:** All domestic USCIS facilities meet the Accessibility Guidelines of the Americans with Disabilities Act, so you do not need to contact USCIS to request an accommodation for physical access to a domestic USCIS office. However, in **Part 9.** of this application, you can indicate whether you use a wheelchair. This will allow USCIS to better prepare for your visit.

**NOTE:** USCIS also ensures that limited English proficient (LEP) individuals are provided meaningful access at an interview or other immigration benefit-related appointment, unless otherwise prohibited by law. LEP individuals may bring a qualified interpreter to the interview.

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USCIS considers requests for reasonable accommodations on a case-by-case basis, and we will make our best efforts to reasonably accommodate your disabilities and/or impairments. USCIS will not exclude you from participating in USCIS programs or deny your application because of your disabilities and/or impairments. Requesting and/or receiving an accommodation will not affect your eligibility for an immigration benefit.

**For hearings before the Immigration Court:** The Immigration Court is committed to addressing the needs of individuals with disabilities and/or impairments. If your case is pending before the Immigration Court, you should notify the court of any such need before your first hearing with an immigration judge. The Immigration Court considers all requests to address such needs on a case-by-case basis.

Interpreters are provided at government expense to individuals whose command of the English language is inadequate to fully understand and participate in removal proceedings. In general, the Immigration Court endeavors to accommodate the language needs of all respondents and witnesses. The Immigration Court will arrange for an interpreter both during the individual calendar hearing and, if necessary, the master calendar hearing.

## USCIS Forms and Information

To ensure you are using the latest version of this application, visit the USCIS Web site at [www.uscis.gov/forms](http://www.uscis.gov/forms) where you can obtain the latest USCIS forms and immigration-related information. If you do not have Internet access, you may order USCIS forms by calling our toll-free number at **1-800-870-3676**. You may also obtain forms and information by calling the USCIS National Customer Service Center at **1-800-375-5283**. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Instead of waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our online system, **InfoPass**, at [infopass.uscis.gov](http://infopass.uscis.gov). 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-485, we will deny your Form I-485 and may deny any other immigration benefit. In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.

## USCIS Compliance Review and Monitoring

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

DHS has the authority to verify any information you submit to establish eligibility for the immigration benefit you are seeking at any time. USCIS' legal authority to verify this information is in 8 U.S.C. sections 1103, 1155, and 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 is decided.

Agency verification methods may include, but are not limited to: review of public records and information; contact via written correspondence, the Internet, facsimile, other electronic transmission, or telephone; unannounced physical site inspections of residences and locations of employment; and interviews. USCIS will use information obtained through verification to assess your compliance with the laws and to determine your eligibility for an immigration benefit. Subject to the restrictions under 8 CFR 103.2(b)(16), USCIS will provide you with an opportunity to address any adverse or derogatory information that may result from a USCIS compliance review, verification, or site visit.

## USCIS Privacy Act Statement

**AUTHORITIES:** The information requested on this application, and the associated evidence, is collected under INA sections 103, 345, and 264(f), as amended.

**PURPOSE:** The primary purpose for providing the requested information on this application is to determine if you have established eligibility for the immigration benefit for which you are filing. DHS will use the information you provide to grant or deny your request to adjust to that of a lawful permanent resident of the United States or register lawful permanent residence.

**DISCLOSURE:** The information you provide is voluntary. However, failure to provide the requested information, and any requested evidence, may delay a final decision in your case or result in denial of your application.

**ROUTINE USES:** DHS may share the information you provide on this application with other Federal, state, local, and foreign government agencies and authorized organizations. DHS follows approved routine uses described in the associated published system of records notices [DHS-USCIS-007 - Benefits Information System and DHS-USCIS-001 - Alien File, Index, and National File Tracking System of Records] which you can find at [www.dhs.gov/privacy](http://www.dhs.gov/privacy). DHS may also share the information, as appropriate, for law enforcement purposes or in the interest of national security.

## 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 6 hours and 30 minutes per response, including the time for reviewing instructions, gathering the required documentation and information, completing the application, preparing statements, attaching necessary documentation, and submitting the application. The collection of biometrics is estimated to require 1 hour and 10 minutes. 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 Coordination Division, Office of Policy and Strategy, 20 Massachusetts Ave NW, Washington, DC 20529-2140; OMB No. 1615-0023. **Do not mail your completed Form I-485 to this address.**

## Checklist

- I have signed Form I-485 in **Part 10., Item Number 6.**
- I have included the appropriate filing fee and biometric services fee (if applicable), if not exempted or waived.
- I have read these Instructions and the appropriate **Additional Instructions** section in **this Instruction Booklet** relating to my specific immigrant category.
- I have included all of the required documentation specified in the **Evidence Checklist** from the checklist relating to my specific immigrant category in the **Additional Instructions** section in **this Instruction Booklet.**



## Additional Instructions for Family-Based Adjustment of Status

Department of Homeland Security  
U.S. Citizenship and Immigration Services

USCIS  
Form I-485  
OMB No. 1615-0023  
Expires 06/30/2015

If you are filing Form I-485 in order to adjust status, you must read these additional instructions that apply to your specific immigrant category together with the general instructions for Form I-485, Application to Register Permanent Residence or Adjust Status.

### What Is the Purpose of These Additional Instructions?

These additional instructions provide guidance on filing an application for adjustment of status based on:

1. Form I-130, Petition for Alien Relative:
  - A. Immediate relatives of U.S. citizens;
  - B. Family-based preference categories;
2. Form I-129F, Petition for Alien Fiancé(e);
3. Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant:
  - A. Widow or Widower of a U.S. citizen; or
  - B. VAWA self-petitioners.

### Form I-130, Petition For Alien Relative (Immediate Relative of a U.S. Citizen)

The immediate relative category includes the following relatives of U.S. citizens:

1. Spouses;
2. Unmarried children under 21 years of age; and
3. Parents (if the U.S. citizen is over 21 years of age).

### Eligibility

You are eligible to apply to adjust to lawful permanent resident status based on Form I-130, as an immediate relative, if:

#### Principal Applicant

1. You were inspected and admitted or paroled into the United States;
  2. You are physically present in the United States;
  3. You are eligible to receive an immigrant visa because you are the beneficiary of:
    - A. An approved Form I-130;
    - B. A previously filed Form I-130 that remains pending (if ultimately approved); or
    - C. A Form I-130 filed together with your Form I-485 (if ultimately approved);
  4. An immigrant visa is immediately available to you at the time you file your application; and
- NOTE:** An immigrant visa is always available to all immediate relative adjustment applicants.

5. You are admissible to the United States for lawful permanent residence or are eligible for a waiver of inadmissibility or other form of relief.

### Derivative Applicant

Dependents of immediate relatives cannot file as derivative applicants in the immediate relative category.

## ***Bars to Adjustment and Grounds of Inadmissibility***

### Bars to Adjustment

Unless exempt, you are ineligible for adjustment of status if any of the bars to adjustment apply to you. You can find these bars listed in the **Who Is Not Eligible to Adjust Status?** section of the general instructions for Form I-485.

You may be exempt from some of the bars to adjustment and eligible to adjust status even if:

1. You are now employed or have ever been employed in the United States without authorization;
2. You are not in lawful immigration status on the date you file your application;
3. You have ever failed to continuously maintain a lawful status since entry into the United States, unless your failure to maintain status was through no fault of your own or for technical reasons;
4. You were last admitted to Guam or the Commonwealth of the Northern Mariana Islands (CNMI) as a visitor under the Guam or CNMI Visa Waiver Program and you are not a Canadian citizen;
5. You were last admitted to the United States as a nonimmigrant visitor without a visa under the Visa Waiver Program; or
6. You have ever violated the terms of your nonimmigrant status.

### Grounds of Inadmissibility

If you are inadmissible to the United States, you may not adjust to lawful permanent resident status. You can find the grounds of inadmissibility listed in INA section 212(a) at [www.uscis.gov](http://www.uscis.gov).

If you are inadmissible, you may be eligible for a waiver or other form of relief. If your waiver application or other form of relief is granted, your application to adjust status may be approved.

You can learn more about waivers and other forms of relief by reading the instructions for Form I-601, Application for Waiver of Grounds of Inadmissibility, and Form I-212, Application for Permission to Reapply for Admission into the United States After Deportation or Removal.

## ***Evidence Checklist for Immediate Relatives of U.S. Citizens***

You must submit the following documentation with your application. The **What Evidence Must You Submit with This Application?** section of the general instructions for Form I-485 provides a detailed explanation of the required evidence.

### Principal Applicant

- Photographs
- Copy of government-issued identity document with photograph
- Copy of birth certificate
- Copy of passport page with nonimmigrant visa (if applicable)
- Copy of passport page with admission or parole stamp (if applicable)
- Copy of Form I-94 Arrival-Departure Record or a copy of CBP admission or parole stamp on the travel document (if applicable)



**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/I94](http://www.cbp.gov/I94).

- Form I-864 or I-864EZ, Affidavit of Support Under Section 213A of the Act, or Form I-864W, Intending Immigrant's Affidavit of Support Exemption
- Copy of Form I-797, Approval Notice or Receipt for the Form I-130 filed on your behalf (unless you are filing Form I-130 together with your Form I-485)
- Form I-693, Record of Medical Examination and Vaccination Record (You also may submit Form I-693 later or when USCIS asks you to submit it.)
- Certified police and court records of criminal charges, arrests, or convictions (if applicable)
- Waiver of inadmissibility or other form of relief (if applicable)
- Documentation of past or present J-1 or J-2 status (if applicable)

### **Conditional Approval**

If you have been married to a U.S. citizen for less than two years at the time your Form I-485 is approved, U.S. Citizenship and Immigration Services (USCIS) will grant your lawful permanent resident status on a two-year conditional basis under section 216 of the Immigration and Nationality Act (INA). You will need to meet additional requirements before USCIS will remove those conditions. More information is available at <http://www.uscis.gov/green-card/after-green-card-granted/conditional-permanent-residence/remove-conditions-permanent-residence-based-marriage>.

### **Form I-130, Petition for Alien Relative (Family-Based Preference Categories)**

This category applies to the following family-based preference immigrant classifications (also referred to on the Form I-485 as "Other relative of a U.S. citizen or relative of a lawful permanent resident under the family-based preference categories"):

*(The codes used in the Department of State's Visa Bulletin are listed in parentheses.)*

1. Unmarried sons and daughters, 21 years of age and older, of U.S. citizens (F1);
2. Spouses and unmarried children, under 21 years of age, of lawful permanent residents (F2A);
3. Unmarried sons and daughters, 21 years of age and older, of lawful permanent residents (F2B);
4. Married sons and daughters of U.S. citizens (F3); and
5. Brothers and sisters of U.S. citizens, 21 years of age and older (F4).

### **Eligibility**

You are eligible to apply to adjust to lawful permanent resident status based on Form I-130, as a family-based preference immigrant, if:

#### **Principal Applicant**

1. You were inspected and admitted or paroled into the United States;
2. You are physically present in the United States;
3. You are eligible to receive an immigrant visa because you are the beneficiary of:
  - A. An approved Form I-130;

- B. A previously filed Form I-130 that remains pending (if ultimately approved); or
  - C. A Form I-130 filed together with your Form I-485 (if ultimately approved);
4. An immigrant visa is immediately available to you at the time you file your application; and
- NOTE:** Visit the USCIS website at <http://www.uscis.gov/green-card/green-card-processes-and-procedures/visa-availability-priority-dates> for information on Visa Availability and Priority Dates and the DOS website at <http://travel.state.gov/content/visas/english/law-and-policy/bulletin.html> to view the Visa Bulletin.
5. You are admissible to the United States for lawful permanent residence or are eligible for a waiver of inadmissibility or other form of relief.

#### **Derivative Applicant (spouse or child of principal applicant)**

- 1. You were inspected and admitted or paroled into the United States;
  - 2. You are physically present in the United States;
  - 3. You are eligible to receive an immigrant visa because you are currently the principal applicant's spouse or child (unmarried and under 21 years of age) and:
    - A. You are filing Form I-485 together with the principal applicant's Form I-485;
    - B. You are filing after the principal applicant filed a Form I-485 that remains pending a final decision by USCIS;
    - C. You are filing after USCIS approved the principal applicant's Form I-485 (and the principal applicant is still a lawful permanent resident) and at the time of that approval, you were the principal applicant's spouse or child; or
    - D. You are filing your Form I-485 after the principal applicant obtained an immigrant visa and was admitted into the United States as a lawful permanent resident (and the principal applicant is still a lawful permanent resident), and at the time of that admission, you were the principal applicant's spouse or child;
  - 4. An immigrant visa is immediately available to you at the time you file your application; and
- NOTE:** Visit the USCIS website at <http://www.uscis.gov/green-card/green-card-processes-and-procedures/visa-availability-priority-dates> for information on Visa Availability and Priority Dates and the DOS website at <http://travel.state.gov/content/visas/english/law-and-policy/bulletin.html> to view the Visa Bulletin.
5. You are admissible to the United States for lawful permanent residence or are eligible for a waiver of inadmissibility or other form of relief.

### ***Bars to Adjustment and Grounds of Inadmissibility***

#### **Bars to Adjustment**

You are ineligible for adjustment of status if any of the bars to adjustment apply to you. You can find these bars listed in the **Who Is Not Eligible to Adjust Status?** section of the general instructions for Form I-485.

#### **Grounds of Inadmissibility**

If you are inadmissible to the United States, you may not adjust to lawful permanent resident status. You can find the grounds of inadmissibility listed in INA section 212(a) at [www.uscis.gov](http://www.uscis.gov).

If you are inadmissible, you may be eligible for a waiver or other form of relief. If your waiver application or other form of relief is granted, your application to adjust status may be approved.

You can learn more about waivers and other forms of relief by reading the instructions for Form I-601, Application for Waiver of Grounds of Inadmissibility, and Form I-212, Application for Permission to Reapply for Admission into the United States After Deportation or Removal.

### **Evidence Checklist for Family-Based Preference Categories**

You must submit the following evidence with your application. The **What Evidence Must You Submit with This Application?** section of the general instructions for Form I-485 provides a detailed explanation of the required evidence.

#### **Principal Applicant**

- Photographs
- Copy of government-issued identity document with photograph
- Copy of birth certificate
- Copy of passport page with nonimmigrant visa (if applicable)
- Copy of passport page with admission or parole stamp (if applicable)
- Copy of Form I-94 Arrival-Departure Record or a copy of CBP admission or parole stamp on the travel document (if applicable)

**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/I94](http://www.cbp.gov/I94).

- Evidence of continuously maintaining a lawful status since entry into the United States
- Form I-864 or I-864EZ, Affidavit of Support Under Section 213A of the Act, or Form I-864W, Intending Immigrant's Affidavit of Support Exemption
- Copy of Form I-797, Approval Notice or Receipt, for the Form I-130 filed on your behalf (unless you are filing your Form I-485 together with your Form I-130)
- Form I-693, Record of Medical Examination and Vaccination Record (You also may submit Form I-693 later or when USCIS asks you to submit it.)
- Certified police and court records of criminal charges, arrests, or convictions (if applicable)
- Waiver of inadmissibility or other form of relief (if applicable)
- Documentation of past or present J-1 or J-2 status (if applicable)

#### **Derivative Applicant (spouse or child of principal applicant)**

- Photographs
- Copy of government-issued identity document with photograph
- Copy of birth certificate
- Copy of passport page with nonimmigrant visa (if applicable)
- Copy of passport page with admission or parole stamp (if applicable)
- Copy of Form I-94 Arrival-Departure Record or a copy of CBP admission or parole stamp on the travel document (if applicable)

**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/I94](http://www.cbp.gov/I94).

- Evidence of continuously maintaining a lawful status since entry into the United States



- Copy of documentation showing your relationship to the principal applicant (such as a marriage certificate, adoption decree, etc.)
- Form I-864 or I-864EZ, Affidavit of Support Under Section 213A of the Act, or Form I-864W, Intending Immigrant's Affidavit of Support Exemption
- Copy of Form I-797, Approval Notice or Receipt, for the principal applicant's Form I-130 (if applicable)
- Copy of Form I-797, Approval Notice or Receipt, for the principal applicant's Form I-485 or a copy of the principal applicant's Form I-551 (Green Card) (if applicable)
- Form I-693, Record of Medical Examination and Vaccination Record (You also may submit Form I-693 later or when USCIS asks you to submit it.)
- Certified police and court records of criminal charges, arrests, or convictions (if applicable)
- Waiver of inadmissibility or other form of relief (if applicable)
- Documentation of past or present J-1 or J-2 status (if applicable)

### **Conditional Approval**

If you have been married to a lawful permanent resident for less than two years at the time your Form I-485 is approved, USCIS will grant your lawful permanent resident status on a two-year conditional basis under INA section 216. You will need to meet additional requirements before USCIS will remove those conditions. More information is available at <http://www.uscis.gov/green-card/after-green-card-granted/conditional-permanent-residence/remove-conditions-permanent-residence-based-marriage>.

## **Form I-129F, Petition For Alien Fiancé(e)**

### **Eligibility**

You are eligible to apply to adjust to lawful permanent resident status based on Form I-129F if:

#### **Principal Applicant (K-1 Fiancé(e))**

1. You were admitted to the United States on a K-1 fiancé(e) nonimmigrant visa;
  2. You are physically present in the United States;
  3. Within 90 days of entering the United States, you married the U.S. citizen who filed the Form I-129F petition for you;
  4. An immigrant visa is immediately available to you at the time you file your application; and
- NOTE:** An immigrant visa is automatically available to all K-1 adjustment applicants.
5. You are admissible to the United States for lawful permanent residence or are eligible for a waiver of inadmissibility or other form of relief.

#### **Derivative Applicant (K-2 Fiancé(e) Child)**

1. You were admitted to the United States on a K-2 fiancé(e) child nonimmigrant visa;
2. You are physically present in the United States;
3. Within 90 days of entering the United States, the K-1 fiancé(e) married the U.S. citizen who filed the Form I-129F petition;
4. An immigrant visa is immediately available to you at the time you file your application; and

**NOTE:** An immigrant visa is automatically available to all K-2 adjustment applicants.

5. You are admissible to the United States for lawful permanent residence or are eligible for a waiver of inadmissibility or other form of relief.

## ***Bars to Adjustment and Grounds of Inadmissibility***

### **Bars to Adjustment**

Unless exempt, you are ineligible for adjustment of status if any of the bars to adjustment apply to you. You can find these bars listed in the **Who Is Not Eligible to Adjust Status?** section of the general Form I-485 instructions.

You may be exempt from some of the bars to adjustment and eligible to adjust status even if:

1. You are now employed or have ever been employed in the United States without authorization;
2. You are not in lawful immigration status on the date you file your application;
3. You have ever failed to continuously maintain a lawful status since entry into the United States, unless your failure to maintain status was through no fault of your own or for technical reasons; or
4. You have ever violated the terms of your nonimmigrant status.

### **Grounds of Inadmissibility**

If you are inadmissible to the United States, you may not adjust to lawful permanent resident status. You can find the grounds of inadmissibility listed in INA section 212(a) at [www.uscis.gov](http://www.uscis.gov).

If you are inadmissible, you may be eligible for a waiver or other form of relief. If your waiver application or other form of relief is granted, your application to adjust status may be approved.

You can learn more about waivers and other forms of relief by reading the instructions for Form I-601, Application for Waiver of Grounds of Inadmissibility, and Form I-212, Application for Permission to Reapply for Admission into the United States After Deportation or Removal.

## ***Evidence Checklist for K-1 Fiancé(e)s and/or K-2 Fiancé(e) Children***

You must submit the following evidence with your application. The **What Evidence Must You Submit with This Application?** section of the general instructions for Form I-485 provides a detailed explanation of the required evidence.

### **Principal Applicant (K-1 Fiancé(e))**

- Photographs
- Copy of government-issued identity document with photograph
- Copy of birth certificate
- Copy of passport page with nonimmigrant visa (if applicable)
- Copy of passport page with admission or parole stamp (if applicable)
- Copy of Form I-94 Arrival-Departure Record or a copy of CBP admission or parole stamp on the travel document (if applicable)

**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/I94](http://www.cbp.gov/I94).

- Copy of marriage certificate
- Form I-864 or I-864EZ, Affidavit of Support Under Section 213A of the Act, or Form I-864W, Intending Immigrant's Affidavit of Support Exemption
- Copy of Form I-797, Approval Notice for the Form I-129F filed on your behalf
- Form I-693, Record of Medical Examination and Vaccination Record (if applicable, see Form I-693 Instructions Section III) (You also may submit Form I-693 later or when USCIS asks you to submit it.)
- Certified police and court records of criminal charges, arrests, or convictions (if applicable)
- Waiver of inadmissibility or other form of relief (if applicable)
- Documentation of past or present J-1 or J-2 status (if applicable)

#### **Derivative Applicant (K-2 Fiancé(e) Child)**

- Photographs
- Copy of government-issued identity document with photograph
- Copy of birth certificate
- Copy of passport page with nonimmigrant visa (if applicable)
- Copy of passport page with admission or parole stamp (if applicable)
- Copy of Form I-94 Arrival-Departure Record or a copy of CBP admission or parole stamp on the travel document (if applicable)

**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/I94](http://www.cbp.gov/I94).

- Copy of K-1 principal applicant's marriage certificate
- Form I-864 or I-864EZ, Affidavit of Support Under Section 213A of the Act, or Form I-864W, Intending Immigrant's Affidavit of Support Exemption
- Copy of Form I-797, Approval Notice for the Form I-129F filed on your behalf
- Copy of Form I-797, Approval Notice or Receipt, for the principal applicant's Form I-485 or a copy of the principal applicant's Form I-551 (Green Card) (if applicable)
- Form I-693, Record of Medical Examination and Vaccination Record (if applicable, see Form I-693 Instructions Section III) (You also may submit Form I-693 later or when USCIS asks you to submit it.)
- Certified police and court records of criminal charges, arrests, or convictions (if applicable)
- Waiver of inadmissibility or other form of relief (if applicable)
- Documentation of past or present J-1 or J-2 status (if applicable)

#### **Conditional Approval**

If you have been married to a U.S. citizen for less than two years at the time your Form I-485 is approved, USCIS will grant your lawful permanent resident status on a two-year conditional basis under INA section 216. You will need to meet additional requirements before USCIS will remove those conditions. More information is available at <http://www.uscis.gov/green-card/after-green-card-granted/conditional-permanent-residence/remove-conditions-permanent-residence-based-marriage>.

**Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant (Widow or Widower of a U.S. Citizen)**

**Eligibility**

You are eligible to apply to adjust to lawful permanent resident status based on Form I-360 as a widow or widower of a U.S. citizen if:

**Principal Applicant**

1. You were inspected and admitted or paroled into the United States;
2. You are physically present in the United States;
3. You are eligible to receive an immigrant visa based on:
  - A. An approved Form I-130 petition filed by your now deceased U.S. citizen spouse;
  - B. A previously filed Form I-130 filed by your now deceased U.S. citizen spouse (if ultimately approved);
  - C. An approved Form I-360 as a widow or widower;
  - D. A previously filed Form I-360 as a widow or widower that remains pending (if ultimately approved); or
  - E. A Form I-360 as a widow or widower filed together with your Form I-485 (if ultimately approved);
4. You have not remarried;

**NOTE:** If you have remarried, you cannot adjust as the widow(er) of a U.S. citizen. But if your now deceased spouse previously filed a Form I-130 immediate relative petition for you, you may ask USCIS to approve the Form I-130 (or reinstate a prior approval) despite the death of your spouse. Solely as a matter of discretion, USCIS may accept your request and approve the Form I-130, and then you may be eligible to file your application.

5. An immigrant visa is immediately available to you at the time you file your application; and  
**NOTE:** An immigrant visa is automatically available to all widows and widowers who file Form I-360 within two years after the date of the U.S. citizen's death and have not remarried.
6. You are admissible to the United States for lawful permanent residence or are eligible for a waiver of inadmissibility or other form of relief.

**Derivative Applicant (child of a principal applicant)**

1. You were inspected and admitted or paroled into the United States;
2. You are physically present in the United States;
3. You are eligible to receive an immigrant visa because you are currently the principal applicant's unmarried child under 21 years of age and:
  - A. You are filing Form I-485 together with the principal applicant's Form I-485;
  - B. You are filing after the principal applicant filed a Form I-485 that remains pending a final decision by USCIS;
  - C. You are filing after USCIS approved the principal applicant's Form I-485 (and the principal applicant is still a lawful permanent resident) and at the time of that approval, you were the principal applicant's child; or
  - D. You are filing your Form I-485 after the principal applicant obtained an immigrant visa and was admitted into the United States as a lawful permanent resident (and the principal applicant is still a lawful permanent resident), and at the time of that admission, you were the principal applicant's child;

4. An immigrant visa is immediately available to you at the time you file your application; and

**NOTE:** An immigrant visa is automatically available to children of widows and widowers who file Form I-360 within two years after the date of the U.S. citizen's death and have not remarried.

5. You are admissible to the United States for lawful permanent residence or are eligible for a waiver of inadmissibility or other form of relief.

## ***Bars to Adjustment and Grounds of Inadmissibility***

### **Bars to Adjustment**

Unless exempt, you are ineligible for adjustment of status if any of the bars to adjustment apply to you. You can find these bars listed in the **Who Is Not Eligible to Adjust Status?** section of the general instructions for Form I-485.

You may be exempt from some of the bars to adjustment and eligible to adjust status even if:

1. You are now employed or have ever been employed in the United States without authorization;
2. You are not in lawful immigration status on the date you file your application;
3. You have ever failed to continuously maintain a lawful status since entry into the United States, unless your failure to maintain status was through no fault of your own or for technical reasons;
4. You were last admitted to Guam or the Commonwealth of the Northern Mariana Islands (CNMI) as a visitor under the Guam or CNMI Visa Waiver Program and you are not a Canadian citizen;
5. You were last admitted to the United States as a nonimmigrant visitor without a visa under the Visa Waiver Program; or
6. You have ever violated the terms or conditions of your nonimmigrant status.

### **Grounds of Inadmissibility**

If you are inadmissible to the United States, you may not adjust to lawful permanent resident status. You can find the grounds of inadmissibility listed in INA section 212(a) at [www.uscis.gov](http://www.uscis.gov).

If you are inadmissible, you may be eligible for a waiver or other form of relief. If your waiver application or other form of relief is granted, your application to adjust status may be approved.

You can learn more about waivers and other forms of relief by reading the instructions for Form I-601, Application for Waiver of Grounds of Inadmissibility, and Form I-212, Application for Permission to Reapply for Admission into the United States After Deportation or Removal.

## ***Evidence Checklist for Widows or Widowers of U.S. Citizens***

You must submit the following evidence with your application. The **What Evidence Must You Submit with This Application?** section of the general instructions for Form I-485 provides a detailed explanation of the required evidence.

### **Principal Applicant**

- Photographs
- Copy of government-issued identity document with photograph
- Copy of birth certificate
- Copy of passport page with nonimmigrant visa (if applicable)

- Copy of passport page with admission or parole stamp (if applicable)
- Copy of Form I-94 Arrival-Departure Record or a copy of CBP admission or parole stamp on the travel document (if applicable)

**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/I94](http://www.cbp.gov/I94).

- Copy of Form I-797, Approval Notice or Receipt for the Form I-130 filed on your behalf or your Form I-360 (unless you are filing Form I-360 together with your Form I-485)
- Form I-693, Record of Medical Examination and Vaccination Record (You also may submit Form I-693 later or when USCIS asks you to submit it.)
- Certified police and court records of criminal charges, arrests, or convictions (if applicable)
- Waiver of inadmissibility or other form of relief (if applicable)
- Documentation of past or present J-1 or J-2 status (if applicable)

**Derivative Applicant (child of principal applicant)**

- Photographs
- Copy of government-issued identity document with photograph
- Copy of birth certificate
- Copy of passport page with nonimmigrant visa (if applicable)
- Copy of passport page with admission or parole stamp (if applicable)
- Copy of Form I-94 Arrival-Departure Record or a copy of CBP admission or parole stamp on the travel document (if applicable)

**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/I94](http://www.cbp.gov/I94).

- Copy of Form I-797, Approval Notice or Receipt for the principal applicant's Form I-130 or Form I-360 (if applicable)
- Copy of Form I-797, Approval Notice or Receipt for the principal applicant's Form I-485 or a copy of the principal applicant's Form I-551 (Green Card) (if applicable)
- Copy of documentation showing your relationship to the principal applicant (such as a marriage certificate, adoption decree, etc.)
- Form I-693, Record of Medical Examination and Vaccination Record (You also may submit Form I-693 later or when USCIS asks you to submit it)
- Certified police and court records of criminal charges, arrests, or convictions (if applicable)
- Waiver of inadmissibility or other form of relief (if applicable)
- Documentation of past or present J-1 or J-2 status (if applicable)



## Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant (VAWA Self-Petitioner)

This category applies if you are the victim of battery or extreme cruelty by a U.S. citizen or lawful permanent resident who is your spouse (or former spouse) or parent, OR if you are the victim of battery or extreme cruelty by a U.S. citizen who is your son or daughter. If this category applies to you, you are a Violence Against Women Act (VAWA) self-petitioner or derivative beneficiary.

**NOTE:** VAWA confidentiality provisions (8 U.S.C. 1367) apply to you as the abused spouse or child of a U.S. citizen or lawful permanent resident or the abused parent of a U.S. citizen.

### Eligibility

You are eligible to apply to adjust to lawful permanent resident status as a VAWA self-petitioner or derivative beneficiary of a VAWA self-petition if:

#### Principal Applicant

1. You are physically present in the United States;
2. You are eligible to receive an immigrant visa based on:
  - A. An approved VAWA self-petition (Form I-360);
  - B. A previously filed VAWA self-petition that remains pending (if ultimately approved); or
  - C. A VAWA self-petition filed together with your Form I-485 (if ultimately approved);
3. An immigrant visa is immediately available to you at the time you file your application; and

**NOTE:** Visit the USCIS website at <http://www.uscis.gov/green-card/green-card-processes-and-procedures/visa-availability-priority-dates> for information on Visa Availability and Priority Dates and the DOS website at <http://travel.state.gov/content/visas/english/law-and-policy/bulletin.html> to view the Visa Bulletin.

4. You are admissible to the United States for lawful permanent residence or are eligible for a waiver of inadmissibility or other form of relief.

**NOTE:** If you are the beneficiary of an approved Form I-130 filed by your abusive family member and you previously filed Form I-485 that remains pending, you do not need to file a new Form I-485. You must notify the USCIS field office where you filed Form I-485 that you have filed a VAWA self-petition or will do so within 30 days. Please provide the USCIS field office with a safe address that USCIS will use to send notices related to the VAWA self-petition. If USCIS approves the VAWA self-petition, the field office will proceed with adjudicating your pending Form I-485.

#### Derivative Applicant (child of principal applicant)

1. You are physically present in the United States;
2. You are eligible to receive an immigrant visa because you are currently the principal applicant's unmarried child under 21 years of age and:
  - A. You are filing Form I-485 together with the principal applicant's Form I-485;
  - B. You are filing after the principal applicant filed a Form I-485 that remains pending a final decision by USCIS;
  - C. You are filing after USCIS approved the principal applicant's Form I-485 (and the principal applicant is still a lawful permanent resident) and at the time of that approval, you were the principal applicant's child; or

- D.** You are filing your Form I-485 after the principal applicant obtained an immigrant visa and was admitted into the United States as a lawful permanent resident (and the principal applicant is still a lawful permanent resident), and at the time of that admission, you were the principal applicant's child;
3. An immigrant visa is immediately available to you at the time you file your application; and
- NOTE:** Visit the USCIS website at <http://www.uscis.gov/green-card/green-card-processes-and-procedures/visa-availability-priority-dates> for information on Visa Availability and Priority Dates and the DOS website at <http://travel.state.gov/content/visas/english/law-and-policy/bulletin.html> to view the Visa Bulletin.
4. You are admissible to the United States for lawful permanent residence or are eligible for a waiver of inadmissibility or other form of relief.
- NOTE:** If you turn 21 years of age after the principal self-petitioner's Form I-360 is filed or approved, you may still apply to adjust status. USCIS will consider you a principal adjustment applicant in the appropriate preference category.
- NOTE:** You may not file as a derivative of a self-petitioning parent of an abusive U.S. citizen son or daughter.

## Bars to Adjustment and Grounds of Inadmissibility

### Bars to Adjustment

Unless exempt, you are ineligible to apply for adjustment of status if any of the bars to adjustment apply to you. You can find these bars listed in the **Who Is Not Eligible to Adjust Status?** section of the general instructions for Form I-485. If you are applying for adjustment based on being a VAWA self-petitioner or derivative beneficiary of a VAWA self-petitioner, the bars numbered 2 through 11 on that list do not apply to you.

### Grounds of Inadmissibility

If you are inadmissible to the United States, you may not adjust to lawful permanent resident status. You can find the grounds of inadmissibility listed in INA section 212(a) at [www.uscis.gov](http://www.uscis.gov).

If you are applying for lawful permanent resident status based on a VAWA self-petition, the following grounds of inadmissibility do not apply to you:

1. INA section 212(a)(4) (public charge); and
2. INA section 212(a)(6)(A) (entry without inspection).

If you are inadmissible based on other grounds listed in INA section 212(a), you may be eligible for a waiver or other form of relief. If your waiver application or other form of relief is granted, your application to adjust status may be approved.

You can learn more about waivers and other forms of relief by reading the instructions for Form I-601, Application for Waiver of Grounds of Inadmissibility, and Form I-212, Application for Permission to Reapply for Admission into the United States After Deportation or Removal.

## Evidence Checklist for VAWA Self-Petitioners

You must submit the following evidence with your application. The **What Evidence Must You Submit with This Application?** section of the general instructions for Form I-485 provides a detailed explanation of the required evidence.

### Principal Applicant

- Photographs
- Copy of government-issued identity document with photograph



- Copy of birth certificate
- Copy of passport page with nonimmigrant visa (if applicable)
- Copy of passport page with admission or parole stamp (if applicable)
- Copy of Form I-94 Arrival-Departure Record or a copy of CBP admission or parole stamp on the travel document (if applicable)

**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/I94](http://www.cbp.gov/I94).

- Copy of Form I-797, Approval Notice or Receipt for your VAWA self-petition (Form I-360) (unless you are filing your Form I-360 together with your Form I-485)
- Form I-693, Record of Medical Examination and Vaccination Record (You also may submit Form I-693 later or when USCIS asks you to submit it.)
- Certified police and court records of criminal charges, arrests, or convictions (if applicable)
- Waiver of inadmissibility or other form of relief (if applicable)
- Documentation of past or present J-1 or J-2 status (if applicable)

**Derivative Applicant (child of principal applicant)**

- Photographs
- Copy of government-issued identity document with photograph
- Copy of birth certificate
- Copy of passport page with nonimmigrant visa (if applicable)
- Copy of passport page with admission or parole stamp (if applicable)
- Copy of Form I-94 Arrival-Departure Record or a copy of CBP admission or parole stamp on the travel document (if applicable)

**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/I94](http://www.cbp.gov/I94).

- Copy of I-797, Approval Notice or Receipt for the principal applicant's VAWA self-petition (Form I-360) (if applicable)
- Copy of Form I-797, Approval Notice or Receipt for the principal applicant's Form I-485 or a copy of the principal applicant's Form I-551 (Green Card) (if applicable)
- Copy of documentation showing your relationship to the principal applicant (such as a marriage certificate, adoption decree, etc.)
- Form I-693, Record of Medical Examination and Vaccination Record (You also may submit Form I-693 later or when USCIS asks you to submit it.)
- Certified police and court records of criminal charges, arrests, or convictions (if applicable)
- Waiver of inadmissibility or other form of relief (if applicable)
- Documentation of past or present J-1 or J-2 status (if applicable)

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**Pre-Decisional Deliberative Draft**



## Additional Instructions for Employment-Based Adjustment of Status

Department of Homeland Security  
U.S. Citizenship and Immigration Services

USCIS  
Form I-485  
OMB No. 1615-0023  
Expires 06/30/2015

If you are filing Form I-485 in order to adjust status, you must read these additional instructions that apply to your specific immigrant category together with the general instructions for Form I-485, Application to Register Permanent Residence or Adjust Status.

### What Is the Purpose of These Additional Instructions?

These additional instructions provide guidance for filing an application for adjustment of status based on:

1. Form I-140, Immigrant Petition for Alien Worker; or
2. Form I-526, Immigrant Petition by Alien Entrepreneur.

### Form I-140, Immigrant Petition For Alien Worker

This category applies to the following employment-based immigrant preference classifications:

1. First preference - Priority workers:
  - A. Aliens with extraordinary ability;
  - B. Outstanding professors and researchers; or
  - C. Certain multinational executives and managers;
2. Second preference - Members of the professions holding advanced degrees or aliens of exceptional ability, including requests for national interest waivers; and
3. Third preference - Skilled workers, professionals, and other workers.

### Eligibility

You are eligible to apply to adjust to lawful permanent resident status based on Form I-140, as an employment-based preference immigrant, if:

#### Principal Applicant

1. You were inspected and admitted or paroled into the United States;
2. You are physically present in the United States;
3. You are eligible to receive an immigrant visa because you are the beneficiary of:
  - A. An approved Form I-140;
  - B. A previously filed Form I-140 that remains pending (if ultimately approved); or
  - C. A Form I-140 filed together with your Form I-485 (if ultimately approved);
4. An immigrant visa is immediately available to you at the time you file your application;

**NOTE:** Visit the U.S. Citizenship and Immigration Services (USCIS) website at <http://www.uscis.gov/green-card/green-card-processes-and-procedures/visa-availability-priority-dates> for information on Visa Availability and

Priority Dates and the DOS website at <http://travel.state.gov/content/visas/english/law-and-policy/bulletin.html> to view the Visa Bulletin.

5. You are admissible to the United States for lawful permanent residence or are eligible for a waiver of inadmissibility or other form of relief; and
6. The job offered to you in Form I-140 still exists with the employer that filed your Form I-140 and you intend to accept this employment upon approval of your Form I-485. If you filed Form I-140 as a self-petitioner, you must intend to work in the occupational field specified in Form I-140.

**NOTE:** If you properly file Form I-485 and it remains pending with USCIS for 180 days after filing with USCIS, you may “port” to a job other than that offered under your Form I-140, provided the new job offer is in the same or similar occupation, and you remain otherwise eligible for the benefit sought. For more information about porting, visit the USCIS website at <http://www.uscis.gov/forms/petition-filing-and-processing-procedures-form-i-140-immigrant-petition-alien-worker>.

#### **Derivative Applicant (spouse or child of principal applicant)**

1. You were inspected and admitted or paroled into the United States;
2. You are physically present in the United States;
3. You are eligible to receive an immigrant visa because you are currently the principal applicant’s spouse or child (unmarried and under 21 years of age) and:
  - A. You are filing Form I-485 together with the principal applicant’s Form I-485;
  - B. You are filing after the principal applicant filed a Form I-485 that remains pending a final decision by USCIS;
  - C. You are filing after USCIS approved the principal applicant’s Form I-485 (and the principal applicant is still a lawful permanent resident) and at the time of that approval, you were the principal applicant’s spouse or child; or
  - D. You are filing your Form I-485 after the principal applicant obtained an immigrant visa and was admitted into the United States as a lawful permanent resident (and the principal applicant is still a lawful permanent resident), and at the time of that admission, you were the principal applicant’s spouse or child;
4. An immigrant visa is immediately available to you at the time you file your application; and

**NOTE:** Visit the USCIS website at <http://www.uscis.gov/green-card/green-card-processes-and-procedures/visa-availability-priority-dates> for information on Visa Availability and Priority Dates and the DOS website at <http://travel.state.gov/content/visas/english/law-and-policy/bulletin.html> to view the Visa Bulletin.

5. You are admissible to the United States for lawful permanent residence or are eligible for a waiver of inadmissibility or other form of relief.

#### **Bars to Adjustment and Grounds of Inadmissibility**

##### **Bars to Adjustment**

Unless exempt, you are ineligible for adjustment of status if any of the bars to adjustment apply to you. You can find these bars listed in the **Who Is Not Eligible to Adjust Status?** section of the general instructions for Form I-485.

You may be exempt from some of the bars to adjustment and eligible to adjust status even if:

1. You are now employed or have ever been employed in the United States without authorization;
2. You are not maintaining a lawful nonimmigrant status on the date you file your application;
3. You have ever failed to continuously maintain a lawful status since entry into the United States, unless your failure to maintain status was through no fault of your own or for technical reasons; or

4. You have ever violated the terms of your nonimmigrant status.

Under section 245(k) of the Immigration and Nationality Act (INA), if since your last lawful admission, you have accrued more than 180 days of the violations listed above, you will not be exempt. If the total violation period is 180 days or less since your last lawful admission, then you are exempt from the adjustment bars listed above.

When calculating the total time you failed to continuously maintain a lawful status or otherwise violated your nonimmigrant status, USCIS measures from the first day of unlawful status since your last lawful admission until the date you file your application or resumed lawful status, whichever occurred first.

USCIS calculates the total time of unauthorized employment from the first day you engaged in unauthorized employment since your last lawful admission until you either obtained employment authorization or ceased the unauthorized employment, or until USCIS adjudicates your adjustment application, whichever occurred first. The 180 day period is calculated by adding together any day in which there is one or more of the types of violations listed above. Each day in which one or more of these violations occurs is counted as one day.

### Grounds of Inadmissibility

If you are inadmissible to the United States, you may not adjust to lawful permanent resident status. You can find the grounds of inadmissibility listed in INA section 212(a) at [www.uscis.gov](http://www.uscis.gov).

If you are inadmissible, you may be eligible for a waiver or other form of relief. If your waiver application or other form of relief is granted, your application to adjust status may be approved.

You can learn more about waivers and other forms of relief by reading the instructions for Form I-601, Application for Waiver of Grounds of Inadmissibility, and Form I-212, Application for Permission to Reapply for Admission into the United States After Deportation or Removal.

### Evidence Checklist for Employment-Based Applicants

You must submit the following documentation with your application. The **What Evidence Must You Submit with This Application?** section of the general instructions for Form I-485 provides a detailed explanation of the required evidence.

#### Principal Applicant

- Photographs
- Copy of government-issued identity document with photograph
- Copy of birth certificate
- Copy of passport page with nonimmigrant visa (if applicable)
- Copy of passport page with admission or parole stamp (if applicable)
- Copy of Form I-94 Arrival-Departure Record or a copy of CBP admission or parole stamp on the travel document (if applicable)

**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/I94](http://www.cbp.gov/I94).

- Evidence of continuously maintaining a lawful status since entry into the United States (or of being exempted under INA 245(k))
- Employment letter:

**A. From your Form I-140 employer-petitioner.** A letter on official business letterhead verifying the job offer to you, job title or position, summary of duties, and wages or salary you will be paid; or

**B. If you are a self-petitioner.** A signed statement confirming you intend to work in the occupational field specified in your Form I-140.

- Copy of Form I-797, Approval Notice or Receipt for the Form I-140 filed on your behalf (unless you are filing Form I-140 together with your Form I-485)
- Form I-693, Record of Medical Examination and Vaccination Record (You also may submit Form I-693 later or when USCIS asks you to submit it.)
- Certified police and court records of criminal charges, arrests, or convictions (if applicable)
- Waiver of inadmissibility or other form of relief (if applicable)
- I-864, Affidavit of Support Under Section 213A of the Act (Only if the visa petition in your case was filed by a relative who is a U.S. citizen or lawful permanent resident or by a for-profit entity, if 5% or more of the ownership interest is held by a relative who is a U.S. citizen or lawful permanent resident.)

**NOTE:** “Relative” means a husband, wife, father, mother, child, adult son, adult daughter, brother or sister.

- Documentation of past or present J-1 or J-2 status (if applicable)

**Derivative Applicant (spouse or child of principal applicant)**

- Photographs
- Copy of government-issued identity document with photograph
- Copy of birth certificate
- Copy of passport page with nonimmigrant visa (if applicable)
- Copy of passport page with admission or parole stamp (if applicable)
- Copy of Form I-94 Arrival-Departure Record or a copy of CBP admission or parole stamp on the travel document (if applicable)

**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/I94](http://www.cbp.gov/I94).

- Evidence of continuously maintaining a lawful status since entry into the United States (or of being exempted under INA 245(k))
- Copy of documentation showing your relationship to the principal applicant (such as a marriage certificate, adoption decree, etc.)
- Copy of Form I-797, Approval Notice or Receipt, for the principal applicant’s Form I-140 (if applicable)
- Copy of Form I-797 Approval Notice or Receipt for the principal applicant’s Form I-485 or a copy of the principal applicant’s Form I-551 (Green Card) (if applicable)
- Copy of principal applicant’s employment letter
- Form I-693, Record of Medical Examination and Vaccination Record (You also may submit Form I-693 later or when USCIS asks you to submit it.)
- Certified police and court records of criminal charges, arrests, or convictions (if applicable)
- Waiver of inadmissibility or other form of relief (if applicable)
- Documentation of past or present J-1 or J-2 status (if applicable)



### ***Special Rule For National Interest Waiver Physicians***

USCIS may not approve your Form I-485 until you submit evidence showing you have completed the full five years of required employment. You must submit this evidence within 120 days of completing the five years of required employment. USCIS will consider your Form I-485 ready for final processing and adjudication once you submit this evidence.

The general rules allowing employment-based first, second and third preference applicants to “port” to new employment do not apply to NIW physicians.

### **Form I-526, Immigrant Petition by Alien Entrepreneur**

This category applies to foreign nationals who have invested \$1 million (or \$500,000 in underdeveloped areas) in a new commercial enterprise which will benefit the U.S. economy and create at least 10 jobs for American workers. These individuals are referred to as immigrant investors.

#### ***Eligibility***

You are eligible to apply to adjust to lawful permanent resident status based on a Form I-526 if:

##### **Principal Applicant**

1. You were inspected and admitted or paroled into the United States;
2. You are physically present in the United States;
3. You are eligible to receive an immigrant visa because you are the beneficiary of an approved Form I-526;
4. An immigrant visa is immediately available to you at the time you file your application; and

**NOTE:** Visit the USCIS website at <http://www.uscis.gov/green-card/green-card-processes-and-procedures/visa-availability-priority-dates> for information on Visa Availability and Priority Dates and the DOS website at <http://travel.state.gov/content/visas/english/law-and-policy/bulletin.html> to view the Visa Bulletin.

5. You are admissible to the United States for lawful permanent residence or are eligible for a waiver of inadmissibility or other form of relief.

##### **Derivative Applicant (spouse or child of principal applicant)**

1. You were inspected and admitted or paroled into the United States;
2. You are physically present in the United States;
3. You are eligible to receive an immigrant visa because you are currently the principal applicant’s spouse or child (unmarried and under 21 years of age) and:
  - A. You are filing Form I-485 together with the principal applicant’s Form I-485;
  - B. You are filing after the principal applicant filed a Form I-485 that remains pending a final decision by USCIS;
  - C. You are filing after USCIS approved the principal applicant’s Form I-485 (and the principal applicant is still a lawful permanent resident) and at the time of that approval, you were the principal applicant’s spouse or child; or
  - D. You are filing your Form I-485 after the principal applicant obtained an immigrant visa and was admitted into the United States as a lawful permanent resident (and the principal applicant is still a lawful permanent resident), and at the time of that admission, you were the principal applicant’s spouse or child;

4. An immigrant visa is immediately available to you at the time you file your application; and

**NOTE:** Visit the USCIS website at <http://www.uscis.gov/green-card/green-card-processes-and-procedures/visa-availability-priority-dates> for information on Visa Availability and Priority Dates and the DOS website at <http://travel.state.gov/content/visas/english/law-and-policy/bulletin.html> to view the Visa Bulletin.

5. You are admissible to the United States for lawful permanent residence or are eligible for a waiver of inadmissibility or other form of relief.

## **Bars to Adjustment and Grounds of Inadmissibility**

### **Bars to Adjustment**

You are ineligible for adjustment of status if any of the bars to adjustment apply to you. You can find these bars listed in the **Who Is Not Eligible to Adjust Status?** section of the general instructions for Form I-485.

### **Grounds of Inadmissibility**

If you are inadmissible to the United States, you may not adjust to lawful permanent resident status. You can find the grounds of inadmissibility listed in INA section 212(a) at [www.uscis.gov](http://www.uscis.gov).

If you are inadmissible, you may be eligible for a waiver or other form of relief. If your waiver application or other form of relief is granted, your application to adjust status may be approved.

You can learn more about waivers and other forms of relief by reading the instructions for Form I-601, Application for Waiver of Grounds of Inadmissibility, and Form I-212, Application for Permission to Reapply for Admission into the United States After Deportation or Removal.

## **Evidence Checklist for Immigrant Investors (Form I-526)**

You must submit the following documentation with your application. The **What Evidence Must You Submit with This Application?** section of the general instructions for Form I-485 provides a detailed explanation of the required evidence.

### **Principal Applicant**

- Photographs
- Copy of government-issued identity document with photograph
- Copy of birth certificate
- Copy of passport page with nonimmigrant visa (if applicable)
- Copy of passport page with admission or parole stamp (if applicable)
- Copy of Form I-94 Arrival-Departure Record or a copy of CBP admission or parole stamp on the travel document (if applicable)

**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/I94](http://www.cbp.gov/I94).

- Evidence of continuously maintaining a lawful status since entry into the United States
- Copy of Form I-797, Approval Notice, for your Form I-526
- Form I-693, Record of Medical Examination and Vaccination Record (You also may submit Form I-693 later or when USCIS asks you to submit it.)
- Certified police and court records of criminal charges, arrests, or convictions (if applicable)

- Waiver of inadmissibility or other form of relief (if applicable)
- Documentation of past or present J-1 or J-2 status (if applicable)

**Derivative Applicant (spouse or child of principal applicant)**

- Photographs
- Copy of government-issued identity document with photograph
- Copy of birth certificate
- Copy of passport page with nonimmigrant visa (if applicable)
- Copy of passport page with admission or parole stamp (if applicable)
- Copy of Form I-94 Arrival-Departure Record or a copy of CBP admission or parole stamp on the travel document (if applicable)

**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/I94](http://www.cbp.gov/I94).

- Evidence of continuously maintaining a lawful status since entry into the United States
- Copy of documentation showing your relationship to the principal applicant (such as a marriage certificate, adoption decree, etc.)
- Copy of Form I-797, Approval Notice, for the principal applicant's Form I-526
- Copy of Form I-797, Approval Notice or Receipt for the principal applicant's Form I-485 or a copy of the principal applicant's Form I-551 (Green Card) (if applicable)
- Form I-693, Record of Medical Examination and Vaccination Record (You also may submit Form I-693 later or when USCIS asks you to submit it.)
- Certified police and court records of criminal charges, arrests, or convictions (if applicable)
- Waiver of inadmissibility or other form of relief (if applicable)
- Documentation of past or present J-1 or J-2 status (if applicable)

**Conditional Approval**

If USCIS approves your Form I-485 as an immigrant investor, we will grant your lawful permanent resident status (and the status of your derivative family members) on a two-year conditional basis under INA section 216A. By the end of the two-year period, you must meet additional requirements before USCIS will remove the conditions on your lawful permanent resident status. For more information, visit <http://www.uscis.gov/working-united-states/permanent-workers/employment-based-immigration-fifth-preference-eb-5/eb-5-immigrant-investor-process>.

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**Pre-Decisional Deliberative Draft**



## Additional Instructions for Special Immigrant Based Adjustment of Status

Department of Homeland Security  
U.S. Citizenship and Immigration Services

USCIS  
Form I-485  
OMB No. 1615-0023  
Expires 06/30/2015

If you are filing Form I-485 in order to adjust status, you must read these additional instructions that apply to your specific immigrant category together with the general instructions for Form I-485, Application to Register Permanent Residence or Adjust Status.

### What Is the Purpose of These Additional Instructions?

These additional instructions provide guidance for filing an application for adjustment of status based on:

1. Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant:
  - A. Religious worker;
  - B. Special immigrant juvenile;
  - C. Certain Afghanistan or Iraq national;
  - D. Certain international broadcaster;
  - E. Certain G-4 international organization employee or family member or NATO-6 employee or family member; or
2. Form DS-1884, Certain Employee or Former Employee of the U.S. Government Abroad.

### Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant (Religious Worker)

#### Eligibility

You are eligible to apply to adjust to lawful permanent resident status based on Form I-360, as a religious worker, if:

#### Principal Applicant

1. You were inspected and admitted or paroled into the United States;
2. You are physically present in the United States;
3. You are eligible to receive an immigrant visa because you are the beneficiary of an approved Form I-360 classifying you as a religious worker;
4. An immigrant visa is immediately available to you at the time you file your application;

**NOTE:** Visit the U.S. Citizenship and Immigration Services (USCIS) website at <http://www.uscis.gov/green-card/green-card-processes-and-procedures/visa-availability-priority-dates> for information on Visa Availability and Priority Dates and the Department of State (DOS) website at <http://travel.state.gov/content/visas/english/law-and-policy/bulletin.html> to view the Visa Bulletin.

5. You are admissible to the United States for lawful permanent residence or are eligible for a waiver of inadmissibility or other form of relief; and
6. The job offered to you based on your Form I-360 still exists with the employer that filed the petition and you intend to accept this employment upon approval of your Form I-485.

#### Derivative Applicant (spouse or child of principal applicant)

1. You were inspected and admitted or paroled into the United States;
2. You are physically present in the United States;
3. You are eligible to receive an immigrant visa because you are currently the principal applicant's spouse or child (unmarried and under 21 years of age) and:
  - A. You are filing Form I-485 together with the principal applicant's Form I-485;
  - B. You are filing after the principal applicant filed a Form I-485 that remains pending a final decision by USCIS;
  - C. You are filing after USCIS approved the principal applicant's Form I-485 (and the principal applicant is still a lawful permanent resident) and at the time of that approval, you were the principal applicant's spouse or child; or
  - D. You are filing your Form I-485 after the principal applicant obtained an immigrant visa and was admitted into the United States as a lawful permanent resident (and the principal applicant is still a lawful permanent resident), and at the time of that admission, you were the principal applicant's spouse or child;
4. An immigrant visa is immediately available to you at the time you file your application; and

**NOTE:** Visit the USCIS website at <http://www.uscis.gov/green-card/green-card-processes-and-procedures/visa-availability-priority-dates> for information on Visa Availability and Priority Dates and the DOS website at <http://travel.state.gov/content/visas/english/law-and-policy/bulletin.html> to view the Visa Bulletin.

5. You are admissible to the United States for lawful permanent residence or are eligible for a waiver of inadmissibility or other form of relief.

### **Sunset Date**

Except for ministers, all religious workers and their derivatives must adjust to lawful permanent resident status on or before the sunset date. For information on the sunset date, please visit the USCIS website at [www.uscis.gov](http://www.uscis.gov). USCIS will deny adjustment applications based on special immigrant religious worker petitions (other than ministers) filed after the applicable sunset date.

### **Bars to Adjustment and Grounds of Inadmissibility**

#### **Bars to Adjustment**

Unless exempt, you are ineligible for adjustment of status if any of the bars to adjustment apply to you. You can find these bars listed in the **Who Is Not Eligible to Adjust Status?** section of the general instructions for Form I-485.

You may be exempt from some of the bars to adjustment and eligible to adjust status even if:

1. You are now employed or have ever been employed in the United States without authorization;
2. You are not maintaining a lawful nonimmigrant status on the date you file your application;
3. You have ever failed to continuously maintain a lawful status since entry into the United States, unless your failure to maintain status was through no fault of your own or for technical reasons; or
4. You have ever violated the terms of your nonimmigrant status.

Under INA section 245(k), if since your last lawful admission, you have accrued more than 180 days of the violations listed above, you will not be exempt. If the total violation time period is 180 days or less since your last lawful admission, then you are exempt from the adjustment bars listed above.



When calculating the total time you failed to continuously maintain a lawful status or otherwise violated your nonimmigrant status, USCIS measures from the first day of unlawful status since your last lawful admission until the date you file your application or resumed lawful status, whichever occurred first.

USCIS calculates the total time of unauthorized employment from the first day you engaged in unauthorized employment since your last lawful admission until you either obtained employment authorization or ceased the unauthorized employment, or until USCIS adjudicates your adjustment application, whichever occurred first.

The 180 day period is calculated by adding together any day in which there is one or more of the types of violations listed above. Each day in which one or more of these violations occurs is counted as one day.

### Grounds of Inadmissibility

If you are inadmissible to the United States, you may not adjust to lawful permanent resident status. You can find the grounds of inadmissibility listed in section 212(a) of the Immigration and Nationality Act (INA) at [www.uscis.gov](http://www.uscis.gov).

If you are inadmissible, you may be eligible for a waiver or other form of relief. If your waiver application or other form of relief is granted, your application to adjust status may be approved.

You can learn more about waivers and other forms of relief by reading the instructions for Form I-601, Application for Waiver of Grounds of Inadmissibility, and Form I-212, Application for Permission to Reapply for Admission into the United States After Deportation or Removal.

### Evidence Checklist for Religious Workers

You must submit the following documentation with your application. The **What Evidence Must You Submit with This Application?** section of the general instructions for Form I-485 provides a detailed explanation of the required evidence.

#### Principal Applicant

- Photographs
- Copy of government-issued identity document with photograph
- Copy of birth certificate
- Copy of passport page with nonimmigrant visa (if applicable)
- Copy of passport page with admission or parole stamp (if applicable)
- Copy of Form I-94 Arrival-Departure Record or a copy of CBP admission or parole stamp on the travel document (if applicable)

**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/I94](http://www.cbp.gov/I94).

- Evidence of continuously maintaining a lawful status since entry into the United States (or of being exempted under INA 245(k))
- Employment letter from your Form I-360 employer-petitioner. (A letter on official business letterhead verifying the job offer to you, the job title or position, summary of duties, and wages or salary you will be paid.)
- Copy of Form I-797, Approval Notice for your special immigrant religious worker petition, Form I-360
- Form I-693, Record of Medical Examination and Vaccination Record (You also may submit Form I-693 later or when USCIS asks you to submit it.)

- Certified police and court records of criminal charges, arrests, or convictions (if applicable)
- Waiver of inadmissibility or other form of relief (if applicable)
- Documentation of past or present J-1 or J-2 status (if applicable)

**Derivative Applicant (spouse or child of principal applicant)**

- Photographs
- Copy of government-issued identity document with photograph
- Copy of birth certificate
- Copy of passport page with nonimmigrant visa (if applicable)
- Copy of passport page with admission or parole stamp (if applicable)
- Copy of Form I-94 Arrival-Departure Record or a copy of CBP admission or parole stamp on the travel document (if applicable)

**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/I94](http://www.cbp.gov/I94).

- Evidence of continuously maintaining a lawful status since entry into the United States (or of being exempted under INA 245(k))
- Copy of documentation showing your relationship to the principal applicant (such as a marriage certificate, adoption decree, etc.)
- Copy of the principal applicant's employment letter
- Copy of Form I-797, Approval Notice for the principal applicant's Form I-360
- Copy of Form I-797, Approval Notice or Receipt, for the principal applicant's Form I-485 or a copy of the principal applicant's Form I-551 (Green Card) (if applicable)
- Form I-693, Record of Medical Examination and Vaccination Record (You also may submit Form I-693 later or when USCIS asks you to submit it.)
- Certified police and court records of criminal charges, arrests, or convictions (if applicable)
- Waiver of inadmissibility or other form of relief (if applicable)
- Documentation of past or present J-1 or J-2 status (if applicable)

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

**Eligibility**

You are eligible to apply to adjust to lawful permanent resident status based on Form I-360, as a special immigrant juvenile, if:

1. You are physically present in the United States;
2. You are eligible to receive an immigrant visa because you are the beneficiary of a Form I-360, classifying you as a special immigrant juvenile, that:
  - A. Is approved;
  - B. Was previously filed and remains pending (if ultimately approved); or
  - C. Is being filed together with your Form I-485 (if ultimately approved);

3. You are unmarried at the time you file the adjustment application and at the time USCIS approves your application;
4. You have a juvenile court order that meets USCIS requirements for classification as a special immigrant juvenile that continues to be valid at the time of filing and adjudication of the Form I-485 unless:
  - A. You were adopted or placed in a permanent guardianship; or
  - B. You were the subject of a valid order that was terminated based on age (provided you were under 21 years of age at the time of filing the SIJ Form I-360 petition); and
5. An immigrant visa is immediately available to you at the time you file your application; and  
**NOTE:** The immigrant category for special immigrant juveniles is the fourth employment preference category. Visit the USCIS website at <http://www.uscis.gov/green-card/green-card-processes-and-procedures/visa-availability-priority-dates> for information on Visa Availability and Priority Dates and the DOS website at <http://travel.state.gov/content/visas/english/law-and-policy/bulletin.html> to view the Visa Bulletin.
6. You are admissible to the United States for lawful permanent residence or are eligible for a waiver of inadmissibility or other form of relief

**NOTE:** USCIS considers anyone granted special immigrant juvenile status to have been paroled into the United States for the purpose of adjustment, regardless of how you actually entered the United States. When filling out Part 1, Item 21 of Form I-485, please list how you actually entered the U.S.)

**NOTE:** While USCIS will generally adjudicate Form I-360 petitions for special immigrant juvenile status within 180 days, this requirement does not apply to the Form I-485.

#### **Derivative Applicant**

Dependents of special immigrant juveniles cannot file as derivative applicants in this category.

### ***Bars to Adjustment and Grounds of Inadmissibility***

#### **Bars to Adjustment**

The only adjustment bar listed in the **Who Is Not Eligible to Adjust Status?** section of the general instructions for Form I-485 that may apply to a special immigrant juvenile adjustment applicant is number nine: “You are deportable due to involvement in a terrorist activity or group.” There is no exemption if this bar applies to you.

In addition, if you are or were a J-1 or J-2 exchange visitor and are subject to the 2-year foreign residence requirement, you may not apply to adjust status unless you have complied with the foreign residence requirement, been granted a waiver, or received a Department of State recommendation for a waiver of the foreign residence requirement. See the Instructions for Form I-612, Application for Waiver of the Foreign Residence Requirement, for more information.

#### **Grounds of Inadmissibility**

If you are inadmissible to the United States, you may not adjust to lawful permanent resident status. You can find the grounds of inadmissibility listed in INA section 212(a) at [www.uscis.gov](http://www.uscis.gov).

If you are applying for lawful permanent resident status as a special immigrant juvenile, the following grounds of inadmissibility do not apply to you:

1. INA section 212(a)(4) (public charge);
2. INA section 212(a)(5)(A) (labor certification);
3. INA section 212(a)(6)(A) (present without admission or parole);
4. INA section 212(a)(6)(C) (misrepresentation);
5. INA section 212(a)(6)(D) (stowaways);
6. INA section 212(a)(7)(A) (documentation requirements); and
7. INA section 212(a)(9)(B) (prior unlawful presence)

If you are inadmissible, you may be eligible for a waiver or other form of relief. Additionally, some inadmissibility grounds may be waived for special immigrant juveniles for humanitarian purposes, family unity, or when it is otherwise in the public interest. See INA section 245(h)(2) at [www.uscis.gov](http://www.uscis.gov). If your waiver application or other form of relief is granted, your application to adjust status may be approved.

You can learn more about waivers and other forms of relief by reading the instructions for Form I-601, Application for Waiver of Grounds of Inadmissibility, and Form I-212, Application for Permission to Reapply for Admission into the United States After Deportation or Removal.

### Evidence Checklist for Special Immigrant Juveniles

You must submit the following documentation with your application. The **What Evidence Must You Submit with This Application?** section of the general instructions for Form I-485 provides a detailed explanation of the required evidence.

#### Principal Applicant

- Photographs
- Copy of government-issued identity document with photograph
- Copy of birth certificate
- Copy of passport page with nonimmigrant visa (if applicable)
- Copy of passport page with admission or parole stamp (if applicable)
- Copy of Form I-94 Arrival-Departure Record or a copy of CBP admission or parole stamp on the travel document (if applicable)

**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/194](http://www.cbp.gov/194).

- Copy of Form I-797, Approval Notice or Receipt for your special immigrant juvenile petition, Form I-360 (unless you are filing Form I-360 together with your Form I-485)
- Evidence that you are the subject of a juvenile court order that meets USCIS requirements for classification as a special immigrant juvenile that continues to be valid at the time you file Form I-485 (see exceptions above)
- Form I-693, Record of Medical Examination and Vaccination Record (You also may submit Form I-693 later or when USCIS asks you to submit it.)
- Certified police and court records of criminal charges, arrests, or convictions (if applicable)
- Waiver of inadmissibility or other form of relief (if applicable)
- Documentation of past or present J-1 or J-2 status (if applicable)

### Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant (Certain Afghanistan or Iraq National)

This category applies to a:

1. Special immigrant Afghanistan or Iraq national who worked with the U.S. Armed Forces as a translator;
2. Special immigrant Iraqi national who was employed by or on behalf of the U.S. government; and
3. Special immigrant Afghan national who was employed by or on behalf of the U.S. government or in the International Security Assistance Force (ISAF) in Afghanistan.

### Eligibility

You are eligible to apply to adjust to lawful permanent resident status based on Form I-360, as a Special Immigrant Afghanistan or Iraq National, if:

### Principal Applicant

1. You were inspected and admitted or paroled into the United States;
2. You are physically present in the United States;
3. You are eligible to receive an immigrant visa because you are the beneficiary of an approved Form I-360 classifying you as a Special Immigrant Afghanistan or Iraq National;
4. An immigrant visa is immediately available to you at the time you file your application; and

**NOTE:** Visit the USCIS website at <http://www.uscis.gov/green-card/green-card-processes-and-procedures/visa-availability-priority-dates> for information on Visa Availability and Priority Dates and the DOS website at <http://travel.state.gov/content/visas/english/law-and-policy/bulletin.html> to view the Visa Bulletin.

5. You are admissible to the United States for lawful permanent residence or are eligible for a waiver of inadmissibility or other form of relief.

### Derivative Applicant (spouse or child of principal applicant)

1. You were inspected and admitted or paroled into the United States;
2. You are physically present in the United States;
3. You are eligible to receive an immigrant visa because you are currently the principal applicant's spouse or child (unmarried and under 21 years of age) and:
  - A. You are filing Form I-485 together with the principal applicant's Form I-485;
  - B. You are filing after the principal applicant filed a Form I-485 that remains pending a final decision by USCIS;
  - C. You are filing after USCIS approved the principal applicant's Form I-485 (and the principal applicant is still a lawful permanent resident) and at the time of that approval, you were the principal applicant's spouse or child; or
  - D. You are filing your Form I-485 after the principal applicant obtained an immigrant visa and was admitted into the United States as a lawful permanent resident (and the principal applicant is still a lawful permanent resident), and at the time of that admission, you were the principal applicant's spouse or child; and
4. You are admissible to the United States for lawful permanent residence or are eligible for a waiver of inadmissibility or other form of relief.

## Bars to Adjustment and Grounds of Inadmissibility

### Bars to Adjustment

Unless exempt, you are ineligible for adjustment of status if any of the bars to adjustment apply to you. You can find these bars listed in the **Who Is Not Eligible to Adjust Status?** section of the general instructions for Form I-485.

You may be exempt from some of the bars to adjustment and eligible to adjust status even if:

1. You are now employed or have ever been employed in the United States without authorization;
2. You are not in lawful immigration status on the date you file your application;
3. You have ever failed to continuously maintain a lawful status since entry into the United States, unless your failure to maintain status was through no fault of your own or for technical reasons;
4. You are not maintaining a lawful nonimmigrant status on the date you file your application; or
4. You have ever violated the terms of your nonimmigrant status.



## Grounds of Inadmissibility

If you are inadmissible to the United States, you may not adjust to lawful permanent resident status. You can find the grounds of inadmissibility listed in INA section 212(a) at [www.uscis.gov](http://www.uscis.gov).

If you apply for lawful permanent resident status as a Special Immigrant Afghanistan or Iraq National, these grounds of inadmissibility do not apply to you:

1. INA section 212(a)(4) (public charge); and
2. INA section 212(a)(5)(A) (labor certification).

If you are inadmissible based on other grounds listed in INA section 212(a), you may be eligible for a waiver or other form of relief. If your waiver application or other form of relief is granted, your application to adjust status may be approved.

You can learn more about waivers and other forms of relief by reading the instructions for Form I-601, Application for Waiver of Grounds of Inadmissibility, and Form I-212, Application for Permission to Reapply for Admission into the United States After Deportation or Removal.

## Evidence Checklist for Certain Afghanistan or Iraq Nationals

You must submit the following documentation with your application. The **What Evidence Must You Submit with This Application?** section of the general instructions for Form I-485 provides a detailed explanation of the required evidence.

### Principal Applicant

- Photographs
- Copy of government-issued identity document with photograph
- Copy of birth certificate
- Copy of passport page with nonimmigrant visa (if applicable)
- Copy of passport page with admission or parole stamp (if applicable)
- Copy of Form I-94 Arrival-Departure Record or a copy of CBP admission or parole stamp on the travel document (if applicable)

**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/I94](http://www.cbp.gov/I94).

- Evidence of continuously maintaining a lawful status since entry into the United States
- Copy of Form I-797, Approval Notice for your Form I-360
- Form I-693, Record of Medical Examination and Vaccination Record (You also may submit Form I-693 later or when USCIS asks you to submit it.)
- Certified police and court records of criminal charges, arrests, or convictions (if applicable)
- Waiver of inadmissibility or other form of relief (if applicable)
- Documentation of past or present J-1 or J-2 status (if applicable)

### Derivative Applicant (spouse or child of principal applicant)

- Photographs
- Copy of government-issued identity document with photograph
- Copy of birth certificate
- Copy of passport page with nonimmigrant visa (if applicable)



- Copy of passport page with admission or parole stamp (if applicable)
- Copy of Form I-94 Arrival-Departure Record or a copy of CBP admission or parole stamp on the travel document (if applicable)  
**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/I94](http://www.cbp.gov/I94).
- Evidence of continuously maintaining a lawful status since entry into the United States
- Copy of documentation showing your relationship to the principal applicant (such as a marriage certificate, adoption decree, etc.)
- Copy of Form I-797, Approval Notice for the principal applicant's Form I-360
- Copy of Form I-797, Approval Notice or Receipt for the principal applicant's Form I-485 or a copy of the principal applicant's Form I-551 (Green Card) (if applicable)
- Form I-693, Record of Medical Examination and Vaccination Record (You also may submit Form I-693 later or when USCIS asks you to submit it.)
- Certified police and court records of criminal charges, arrests, or convictions (if applicable)
- Waiver of inadmissibility or other form of relief (if applicable)
- Documentation of past or present J-1 or J-2 status (if applicable)

## Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant (Certain International Broadcaster)

### Eligibility

You are eligible to apply to adjust to lawful permanent resident status based on Form I-360, as an international broadcaster, if:

#### Principal Applicant

1. You were inspected and admitted or paroled into the United States;
2. You are physically present in the United States;
3. You are eligible to receive an immigrant visa because you are the beneficiary of an approved Form I-360 as special immigrant international broadcaster;
4. An immigrant visa is immediately available to you at the time you file your application; and

**NOTE:** Visit the USCIS website at <http://www.uscis.gov/green-card/green-card-processes-and-procedures/visa-availability-priority-dates> for information on Visa Availability and Priority Dates and the DOS website at <http://travel.state.gov/content/visas/english/law-and-policy/bulletin.html> to view the Visa Bulletin.

5. You are admissible to the United States for lawful permanent residence or are eligible for a waiver of inadmissibility or other form of relief.

#### Derivative Applicant (spouse or child of principal applicant)

1. You were inspected and admitted or paroled into the United States;
2. You are physically present in the United States;
3. You are eligible to receive an immigrant visa because you are currently the principal applicant's spouse or child (unmarried and under 21 years of age) and:
  - A. You are filing Form I-485 together with the principal applicant's Form I-485;

- B. You are filing after the principal applicant filed a Form I-485 that remains pending a final decision by USCIS;
  - C. You are filing after USCIS approved the principal applicant's Form I-485 (and the principal applicant is still a lawful permanent resident) and at the time of that approval, you were the principal applicant's spouse or child; or
  - D. You are filing your Form I-485 after the principal applicant obtained an immigrant visa and was admitted into the United States as a lawful permanent resident (and the principal applicant is still a lawful permanent resident), and at the time of that admission, you were the principal applicant's spouse or child;
4. An immigrant visa is immediately available to you at the time you file your application; and
- NOTE:** Visit the USCIS website at <http://www.uscis.gov/green-card/green-card-processes-and-procedures/visa-availability-priority-dates> for information on Visa Availability and Priority Dates and the DOS website at <http://travel.state.gov/content/visas/english/law-and-policy/bulletin.html> to view the Visa Bulletin.
5. You are admissible to the United States for lawful permanent residence or are eligible for a waiver of inadmissibility or other form of relief.

## **Bars to Adjustment and Grounds of Inadmissibility**

### **Bars to Adjustment**

You are ineligible for adjustment of status if any of the bars to adjustment apply to you. You can find these bars listed in the **Who Is Not Eligible to Adjust Status?** section of the general instructions for Form I-485.

### **Grounds of Inadmissibility**

If you are inadmissible to the United States, you may not adjust to lawful permanent resident status. You can find the grounds of inadmissibility listed in INA section 212(a) at [www.uscis.gov](http://www.uscis.gov).

If you are applying for lawful permanent resident status as an international broadcaster, the INA section 212(a)(5)(A) (labor certification) ground of inadmissibility does not apply to you.

If you are inadmissible, you may be eligible for a waiver or other form of relief. If your waiver application or other form of relief is granted, your application to adjust status may be approved.

You can learn more about waivers and other forms of relief by reading the instructions for Form I-601, Application for Waiver of Grounds of Inadmissibility, and Form I-212, Application for Permission to Reapply for Admission into the United States After Deportation or Removal.

## **Evidence Checklist for Certain International Broadcasters**

You must submit the following documentation with your application. The **What Evidence Must You Submit with This Application?** section of the instructions for Form I-485 provides a detailed explanation of the required evidence.

### **Principal Applicant**

- Photographs
- Copy of government-issued identity document with photograph
- Copy of birth certificate
- Copy of passport page with nonimmigrant visa (if applicable)
- Copy of passport page with admission or parole stamp (if applicable)
- Copy of Form I-94 Arrival-Departure Record or a copy of CBP admission or parole stamp on the travel document (if applicable)

**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon

arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/I94](http://www.cbp.gov/I94).

- Evidence of continuously maintaining a lawful status since entry into the United States
- Employment letter from your Form I-360 employer-petitioner (A letter on official business letterhead verifying the job offer to you, job title or position, summary of duties, and wages or salary you will be paid.)
- Copy of Form I-797, Approval Notice for your special immigrant international broadcaster petition, Form I-360
- Form I-693, Record of Medical Examination and Vaccination Record (You also may submit Form I-693 later or when USCIS asks you to submit it.)
- Certified police and court records of criminal charges, arrests, or convictions, (if applicable)
- Waiver of inadmissibility or other form of relief (if applicable)
- Documentation of past or present J-1 or J-2 status (if applicable)

**Derivative Applicant (spouse or child of principal applicant)**

- Photographs
- Copy of government-issued identity document with photograph
- Copy of birth certificate
- Copy of passport page with nonimmigrant visa (if applicable)
- Copy of passport page with admission or parole stamp (if applicable)
- Copy of Form I-94 Arrival-Departure Record or a copy of CBP admission or parole stamp on the travel document (if applicable)

**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/I94](http://www.cbp.gov/I94).

- Evidence of continuously maintaining a lawful status since entry into the United States
- Copy of documentation showing your relationship to the principal applicant (such as a marriage certificate, adoption decree, etc.)
- Copy of principal applicant's employment letter
- Copy of Form I-797, Approval Notice for the principal applicant's Form I-360
- Copy of Form I-797, Approval Notice or Receipt for the principal applicant's Form I-485 or a copy of the principal applicant's Form I-551 (Green Card) (if applicable)
- Form I-693, Record of Medical Examination and Vaccination Record (You also may submit Form I-693 later or when USCIS asks you to submit it.)
- Certified police and court records of criminal charges, arrests, or convictions (if applicable)
- Waiver of inadmissibility or other form of relief (if applicable)
- Documentation of past or present J-1 or J-2 status (if applicable)

**Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant (Certain G-4 International Organization Employee or Family Member or NATO-6 Employee or Family Member)**

This category applies to a:

1. Retired officer or employee of an international organization or NATO (and derivative spouse);

2. Surviving spouse of a deceased officer or employee of an international organization or NATO; and
3. Unmarried son or daughter of a current or retired officer or employee of an international organization or NATO.

### ***Eligibility***

You are eligible to apply to adjust to lawful permanent resident status based on Form I-360, as a G-4 international organization employee or family member or NATO-6 employee or family member, if:

#### **Principal Applicant (Retired officer or employee, surviving spouse of deceased employee, or unmarried son or daughter of current or retired employee of an international organization or NATO)**

1. You were inspected and admitted or paroled into the United States;
2. You maintained G-4, N, or NATO-6 status for the period required by statute;
3. You are physically present in the United States;
4. You are eligible to receive an immigrant visa because you are the beneficiary of:
  - A. An approved special immigrant petition (Form I-360) as a certain G-4 international organization employee or family member or NATO-6 employee or family member;
  - B. A previously filed Form I-360 that remains pending (if ultimately approved); or
  - C. A Form I-360 filed together with your Form I-485 (if ultimately approved);
5. An immigrant visa is immediately available to you at the time you file your application; and

**NOTE:** Visit the USCIS website at <http://www.uscis.gov/green-card/green-card-processes-and-procedures/visa-availability-priority-dates> for information on Visa Availability and Priority Dates and the DOS website at <http://travel.state.gov/content/visas/english/law-and-policy/bulletin.html> to view the Visa Bulletin.

6. You are admissible to the United States for lawful permanent residence or are eligible for a waiver of inadmissibility or other form of relief.

#### **Derivative Applicant (Spouse of retired officer or employee of an international organization or NATO)**

1. You were inspected and admitted or paroled into the United States;
2. You are physically present in the United States;
3. You are eligible to receive an immigrant visa because you are the principal applicant's spouse and:
  - A. You are filing Form I-485 together with the principal applicant's Form I-485;
  - B. You are filing after the principal applicant filed a Form I-485 that remains pending a final decision by USCIS;
  - C. You are filing after USCIS approved the principal applicant's Form I-485 (and the principal applicant is still a lawful permanent resident) and at the time of that approval, you were the principal applicant's spouse; or
  - D. You are filing your Form I-485 after the principal applicant obtained an immigrant visa and was admitted into the United States as a lawful permanent resident (and the principal applicant is still a lawful permanent resident), and at the time of that admission, you were the principal applicant's spouse;
4. An immigrant visa is immediately available to you at the time you file your application; and

**NOTE:** Visit the USCIS website at <http://www.uscis.gov/green-card/green-card-processes-and-procedures/visa-availability-priority-dates> for information on Visa Availability and Priority Dates and the DOS website at <http://travel.state.gov/content/visas/english/law-and-policy/bulletin.html> to view the Visa Bulletin.

5. You are admissible to the United States for lawful permanent residence or are eligible for a waiver of inadmissibility or other form of relief.

### ***Bars to Adjustment and Grounds of Inadmissibility***

#### **Bars to Adjustment**

Unless exempt, you are ineligible for adjustment of status if any of the bars to adjustment apply to you. You can find these bars listed in the **Who Is Not Eligible to Adjust Status?** section of the general instructions for Form I-485.

You may be exempt from some of the bars to adjustment and eligible to adjust status even if:

1. You are now employed or have ever been employed in the United States without authorization;
2. You are not in lawful immigration status on the date you file your application;
3. You have ever failed to continuously maintain a lawful status since entry into the United States, unless your failure to maintain status was through no fault of your own or for technical reasons;
4. You are not maintaining a lawful nonimmigrant status on the date you file your application; or
5. You have ever violated the terms of your nonimmigrant status.

#### **Grounds of Inadmissibility**

If you are inadmissible to the United States, you may not adjust to lawful permanent resident status. You can find the grounds of inadmissibility listed in INA section 212(a) at [www.uscis.gov](http://www.uscis.gov).

If you are inadmissible, you may be eligible for a waiver or other form of relief. If your waiver application or other form of relief is granted, your application to adjust status may be approved.

You can learn more about waivers and other forms of relief by reading the instructions for Form I-601, Application for Waiver of Grounds of Inadmissibility, and Form I-212, Application for Permission to Reapply for Admission into the United States After Deportation or Removal

### ***Evidence Checklist for Certain G-4 International Organization Employees or Family Members or NATO-6 Employees or Family Members***

You must submit the following documentation with your application. The **What Evidence Must You Submit with This Application?** section of the general instructions for Form I-485 provides a detailed explanation of the required evidence.

#### **Principal Applicant**

- Photographs
- Copy of government-issued identity document with photograph
- Copy of birth certificate
- Copy of passport page with nonimmigrant visa (if applicable)
- Copy of passport page with admission or parole stamp (if applicable)
- Copy of Form I-94 Arrival-Departure Record or a copy of CBP admission or parole stamp on the travel document (if applicable)

**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/I94](http://www.cbp.gov/I94).



- Copy of every page of passport and any other documents showing physical presence in the U.S. for the required time period
- Evidence that you maintained G-4, N, or NATO-6 nonimmigrant status since your last entry into the United States
- Form I-566, Interagency Record of Request
- Form I-508, Waiver of Rights, Privileges, Exemptions and Immunities under INA section 247(b) (and Form I-508F, if you are a French national)
- Copy of Form I-797, Approval Notice for Form I-360 (unless you are filing Form I-360 together with your Form I-485)
- Form I-693, Record of Medical Examination and Vaccination Record (You also may submit Form I-693 later or when USCIS asks you to submit it.)
- Certified police and court records of criminal charges, arrests, or convictions (if applicable)
- Waiver of inadmissibility or other form of relief (if applicable)
- Documentation of past or present J-1 or J-2 status (if applicable)

**Derivative Applicant (spouse of retired officer or employee)**

- Photographs
- Copy of government-issued identity document with photograph
- Copy of birth certificate
- Copy of passport page with nonimmigrant visa (if applicable)
- Copy of passport page with admission or parole stamp (if applicable)
- Copy of Form I-94 Arrival-Departure Record or a copy of CBP admission or parole stamp on the travel document (if applicable)

**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/I94](http://www.cbp.gov/I94).

- Copy of your marriage certificate with the principal applicant and proof that any prior marriages were legally terminated
- Copy of every page of passport and any other documents showing physical presence in the U.S. for the required time period
- Form I-566, Interagency Record of Request
- Form I-508, Waiver of Rights, Privileges, Exemptions and Immunities under INA section 247(b) (and Form I-508F, if you are a French national)
- Copy of Form I-797, Approval Notice for the principal applicant's Form I-360
- Copy of Form I-797, Approval Notice or Receipt for the principal applicant's Form I-485 or a copy of the principal applicant's Form I-551 (Green Card) (if applicable)
- Form I-693, Record of Medical Examination and Vaccination Record (You also may submit Form I-693 later or when USCIS asks you to submit it.)
- Certified police and court records of criminal charges, arrests, or convictions (if applicable)
- Waiver of inadmissibility or other form of relief (if applicable)
- Documentation of past or present J-1 or J-2 status (if applicable)



## Form DS-1884, Certain Employee or Former Employee of the U.S. Government Abroad

### Eligibility

You are eligible to apply to adjust to lawful permanent resident status based on Form DS-1884 if:

#### Principal Applicant

1. You were inspected and admitted or paroled into the United States;
2. You are physically present in the United States;
3. You are eligible to receive an immigrant visa because you are the beneficiary of an approved and valid Department of State (DOS) Form DS-1884 special immigrant petition as a certain international employee;
4. An immigrant visa is immediately available to you at the time you file your application; and

**NOTE:** Visit the USCIS website at <http://www.uscis.gov/green-card/green-card-processes-and-procedures/visa-availability-priority-dates> for information on Visa Availability and Priority Dates and the DOS website at <http://travel.state.gov/content/visas/english/law-and-policy/bulletin.html> to view the Visa Bulletin.

5. You are admissible to the United States for lawful permanent residence or are eligible for a waiver of inadmissibility or other form of relief.

#### Derivative Applicant (spouse or child of principal applicant)

1. You were inspected and admitted or paroled into the United States;
2. You are physically present in the United States;
3. You are eligible to receive an immigrant visa because you are currently the principal applicant's spouse or child (unmarried and under 21 years of age) and:
  - A. You are filing Form I-485 together with the principal applicant's Form I-485;
  - B. You are filing after the principal applicant filed a Form I-485 that remains pending a final decision by USCIS;
  - C. You are filing after USCIS approved the principal applicant's Form I-485 (and the principal applicant is still a lawful permanent resident) and at the time of that approval, you were the principal applicant's spouse or child; or
  - D. You are filing your Form I-485 after the principal applicant obtained an immigrant visa and was admitted into the United States as a lawful permanent resident (and the principal applicant is still a lawful permanent resident), and at the time of that admission, you were the principal applicant's spouse or child;
4. An immigrant visa is immediately available to you at the time you file your application; and

**NOTE:** Visit the USCIS website at <http://www.uscis.gov/green-card/green-card-processes-and-procedures/visa-availability-priority-dates> for information on Visa Availability and Priority Dates and the DOS website at <http://travel.state.gov/content/visas/english/law-and-policy/bulletin.html> to view the Visa Bulletin.

5. You are admissible to the United States for lawful permanent residence or are eligible for a waiver of inadmissibility or other form of relief.

### Department of State Form DS-1884

If you are an employee or former employee of the U.S. government abroad, your priority date is the date you file Form DS-1884 with DOS. An approved Form DS-1884 is valid for six months after it is approved. However, if a visa is unavailable at the time of approval, the approved Form DS-1884 is valid for six months once the visa becomes available.

In addition, DOS can extend the validity of your Form DS-1884 if it determines that an extension is in the national interest. A petition generally can only be extended for a maximum of one year.

## ***Bars to Adjustment and Grounds of Inadmissibility***

### **Bars to Adjustment**

You are ineligible for adjustment of status if any of the bars to adjustment apply to you. You can find these bars listed in the **Who Is Not Eligible to Adjust Status?** section of the general instructions for Form I-485.

### **Grounds of Inadmissibility**

If you are inadmissible to the United States, you may not adjust to lawful permanent resident status. You can find the grounds of inadmissibility listed in INA section 212(a) at [www.uscis.gov](http://www.uscis.gov).

If you apply for lawful permanent resident status based on being a certain international employee, the INA section 212(a)(5) (labor certification) ground of inadmissibility does not apply to you.

If you are inadmissible based on other grounds listed in INA section 212(a), you may be eligible for a waiver or other form of relief. If your waiver application or other form of relief is granted, your application to adjust status may be approved.

You can learn more about waivers and other forms of relief by reading the instructions for Form I-601, Application for Waiver of Grounds of Inadmissibility, and Form I-212, Application for Permission to Reapply for Admission into the United States After Deportation or Removal.

## ***Evidence Checklist for Certain Employees or Former Employees of the U.S. Government Abroad***

You must submit the following documentation with your application. The **What Evidence Must You Submit with This Application?** section of the general instructions for Form I-485 provides a detailed explanation of the required evidence.

### **Principal Applicant**

- Photographs
- Copy of government-issued identity document with photograph
- Copy of birth certificate
- Copy of passport page with nonimmigrant visa (if applicable)
- Copy of passport page with admission or parole stamp (if applicable)
- Copy of Form I-94 Arrival-Departure Record or a copy of CBP admission or parole stamp on the travel document (if applicable)

**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/I94](http://www.cbp.gov/I94).

- Evidence of continuously maintaining a lawful status since entry into the United States
- Evidence of an approved Form DS-1884
- Evidence of financial support
- Form I-693, Record of Medical Examination and Vaccination Record (You also may submit Form I-693 later or when USCIS asks you to submit it.)
- Certified police and court records of criminal charges, arrests, convictions, and the final disposition (if applicable)

- Waiver of inadmissibility or other form of relief (if applicable)
- Documentation of past or present J-1 or J-2 status (if applicable)

**Derivative Applicant (spouse or child of principal applicant)**

- Photographs
- Copy of government-issued identity document with photograph
- Copy of birth certificate
- Copy of passport page with nonimmigrant visa (if applicable)
- Copy of passport page with admission or parole stamp (if applicable)
- Copy of Form I-94 Arrival-Departure Record or a copy of CBP admission or parole stamp on the travel document (if applicable)

**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/I94](http://www.cbp.gov/I94).

- Evidence of continuously maintaining a lawful status since entry into the United States
- Copy of documentation showing your relationship to the principal applicant (such as a marriage certificate, adoption decree, etc.)
- Copy of the principal applicant's approved Form DS-1884
- Copy of Form I-797, Approval Notice or Receipt for the principal applicant's Form I-485 or a copy of the principal applicant's Form I-551 (Green Card) (if applicable)
- Evidence of financial support
- Form I-693, Record of Medical Examination and Vaccination Record (You also may submit Form I-693 later or when USCIS asks you to submit it.)
- Certified police and court records of criminal charges, arrests, or convictions (if applicable)
- Waiver of inadmissibility or other form of relief (if applicable)
- Documentation of past or present J-1 or J-2 status (if applicable)

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**Pre-Decisional Deliberative Draft**



## Additional Instructions for Human Trafficking Victims and Crime Victims

Department of Homeland Security  
U.S. Citizenship and Immigration Services

USCIS  
Form I-485  
OMB No. 1615-0023  
Expires 06/30/2015

If you are filing Form I-485 in order to adjust status, you must read these additional instructions that apply to your specific immigrant category together with the general instructions for Form I-485, Application to Register Permanent Residence or Adjust Status.

Note: Confidentiality provisions (8 U.S.C. 1367) apply to you if you have a pending or approved application for adjustment of status as a victim of human trafficking or a victim of a qualifying crime or are a qualifying family member. If your application is denied, the confidentiality provisions will continue to apply until all final appeal rights are exhausted.

### What Is the Purpose of These Additional Instructions?

These additional instructions provide guidance for filing adjustment of status based on an approved:

1. Form I-914, Application for T Nonimmigrant Status or Form I-914, Supplement A, Application for Immediate Family Member of a T-1 Recipient (Human trafficking victim or family member); or
2. Form I-918, Petition for U Nonimmigrant Status, Form I-918, Supplement A, Petition for Qualifying Family Member of U-1 Recipient, or Form I-929, Petition for Qualifying Family Member of a U-1 Nonimmigrant (Crime victim or family member).

### Form I-914, Application for T Nonimmigrant Status or Form I-914, Supplement A, Application for Immediate Family Member of a T-1 Recipient (Human Trafficking Victim or Family Member)

#### Eligibility

##### Principal Applicant (T-1)

You are eligible to apply to adjust to lawful permanent resident status based on T-1 nonimmigrant status if:

1. You were lawfully admitted in T-1 nonimmigrant status;
2. You continue to hold T-1 nonimmigrant status;
3. You have been physically present in the United States for the following period of time, whichever is less:
  - A. A continuous period of at least three years since you were first admitted as a T-1 nonimmigrant; or
  - B. A continuous period during the investigation or prosecution of acts of trafficking, and the Attorney General has determined the investigation or prosecution is complete;
4. You have been a person of good moral character since you were first admitted as a T-1 nonimmigrant and until U.S. Citizenship and Immigration Services (USCIS) makes a decision on this application;
5. You either:
  - A. Have complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking since you were first admitted as a T-1 nonimmigrant and until USCIS makes a decision on this application; or

**B.** Were not required to comply with any reasonable requests for assistance in the investigation or prosecution when you received your T-1 nonimmigrant status (because you were under 18 years of age or suffered trauma at the time of the victimization that exempted you from the compliance requirement); or

**C.** You would suffer extreme hardship involving unusual and severe harm if removed from the United States; and

**6.** You are admissible to the United States or USCIS has granted you a waiver of inadmissibility in connection with your approved T-1 nonimmigrant status or you are eligible for a waiver of your inadmissibility for activity that has occurred after the approval of your T-1 nonimmigrant status or other form of relief.

### **Derivative Applicant (T-2, T-3, T-4, T-5, or T-6)**

You are eligible to adjust to lawful permanent resident status based on derivative T nonimmigrant status if:

1. You were lawfully admitted in T-2, T-3, T-4, T-5, or T-6 nonimmigrant status as the family member of an approved T-1 nonimmigrant;
2. You continue to hold T-2, T-3, T-4, T-5, or T-6 nonimmigrant status as the family member of an approved T-1 nonimmigrant;
3. The approved T-1 nonimmigrant is eligible for lawful permanent resident status and has a pending or concurrently filed Form I-485, or was granted lawful permanent resident status; and
4. You are admissible to the United States or USCIS has granted you a waiver of inadmissibility in connection with your approved T-2, T-3, T-4, T-5, or T-6 nonimmigrant status or you are eligible for a waiver of your inadmissibility for activity that has occurred after the approval of your T-2, T-3, T-4, T-5, or T-6 nonimmigrant status or other form of relief.

**NOTE:** To show that USCIS approved your Form I-914, Supplement A, granting T derivative nonimmigrant status, you may submit a copy of your Form I-797, Notice of Action.

### ***Continuous Physical Presence (Eligibility requirement only for principals)***

You do not need to submit documentation showing presence on every single day of the three-year T-1 nonimmigrant status period, but you should not have significant chronological gaps in your documentation.

To show continuous physical presence, you must submit **Items 1. – 3. below:**

1. Copies of every page of your passport or equivalent travel document.
2. Documentation of any departure from, and return to, the United States while in T-1 nonimmigrant status, including:
  - A. Date of departure;
  - B. Place of departure;
  - C. Length of departure;
  - D. Manner of departure (plane, boat, etc.);
  - E. Date of return; and
  - F. Place of return.
3. Evidence establishing continuous physical presence, which may include but is not limited to:
  - A. Documentation issued by any governmental or nongovernmental authority, provided the documentation contains your name, was dated at the time it was issued, and contains the normal signature, seal, or other authenticating instrument of the authorized representative of the issuing authority;
  - B. College transcripts;
  - C. Employment records;



- D. Certification that you filed federal or state income tax returns, showing that you attended school or worked in the United States throughout the entire continuous physical presence period;
- E. Documents showing installment payments, such as a series of monthly rent receipts or utility bills; or
- F. A list of the type and date of documents already contained in your Department of Homeland Security (DHS) file that establishes physical presence, such as, but not limited to, a written copy of a sworn statement given to a DHS officer, a document from the law enforcement agency attesting to the fact that you have continued to comply with requests for assistance, the transcript of a formal hearing, and Form I-213, Record of Deportable-Inadmissible Alien.

If you do not have documentation to establish continuous physical presence, you must explain why in an affidavit and provide additional affidavits from others with first-hand knowledge who can attest to your continuous physical presence with specific facts. **Your declaration alone is not sufficient to show continuous physical presence.**

Generally, if you departed from the United States for any trip that lasted longer than 90 days or for multiple trips that together exceeded 180 days, you failed to maintain continuous physical presence unless you can establish that:

1. Your absence was necessary to assist in the investigation or prosecution of acts of trafficking; or
2. An official involved in the investigation or prosecution of acts of trafficking certifies that the absence was otherwise justified.

**NOTE:** If you have less than three years of continuous physical presence since you were first admitted as a T-1 nonimmigrant, you must submit a document signed by the Attorney General (or designee) stating that the investigation or prosecution is complete.

### ***Good Moral Character (Eligibility requirement only for principals)***

Before USCIS can approve your application, USCIS must find that you are a person of good moral character according to INA section 101(f).

In order to demonstrate good moral character, you must submit:

1. Your own affidavit attesting to your good moral character; and
2. Local police clearance or a state-issued criminal background check from each locality or state in the United States that you have resided in for six or more months while you were in T-1 nonimmigrant status. If local police clearances, criminal background checks, or similar reports are not available for any location where you resided, you may include an explanation and submit other evidence about your good moral character while you resided at that location.

You may also submit other credible evidence of good moral character, such as affidavits from responsible persons who can knowledgeably attest to your good moral character.

If you are under 14 years of age, you do not need to submit evidence of good moral character. However, if there is reason to believe that you may lack good moral character, USCIS may require evidence of good moral character.

### ***Compliance with Reasonable Requests for Assistance in the Investigation or Prosecution OR Evidence of Extreme Hardship Involving Unusual and Severe Harm (Eligibility requirement only for principals)***

You must submit evidence that shows you:

1. Complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking;
2. Were not required to comply with any reasonable requests for assistance in the investigation or prosecution when you received your T-1 nonimmigrant status (because you were under 18 years of age or suffered trauma at the time of victimization that exempted you from the compliance requirement); or

**3. Would suffer extreme hardship involving unusual and severe harm if removed from the United States.**

*Evidence of Compliance with Reasonable Requests for Assistance*

Evidence that you continue to comply with any reasonable request for assistance in the investigation or prosecution of trafficking in persons includes, but is not limited to:

1. Your own affidavit describing how you continue to comply with any reasonable requests;
2. A statement from a federal, state, or local law enforcement official describing how you complied with any reasonable requests;
3. A re-signed and dated Form I-914, Supplement B;
4. Trial transcripts;
5. Court documents;
6. Police reports; and
7. News articles.

If you assisted law enforcement when you received your T-1 nonimmigrant status and are no longer assisting law enforcement, you should describe in a written statement why you are no longer assisting. Reasons may include, but are not limited to:

1. The investigation or prosecution is complete;
2. Your T-1 nonimmigrant status is based on your willingness to assist but you were not needed, and you continue to be willing to assist but your assistance is still not needed;
3. You were not asked to assist after being granted T-1 nonimmigrant status; or
4. A request for assistance was not reasonable (See Title 8, Code of Federal Regulations (8 CFR) Section 214.11(a) for more information).

USCIS may consult the Attorney General of the United States if appropriate.

**NOTE:** If you were not required to comply with any reasonable requests for assistance in the investigation or prosecution when you received your T-1 nonimmigrant status (because you were under 18 years of age or suffered trauma at the time of victimization that exempted you from the compliance requirement), you should include an affidavit stating that you were not subject to the compliance requirement.

*Evidence of Extreme Hardship Involving Unusual and Severe Harm*

Alternatively, you may also submit evidence that you will suffer extreme hardship involving unusual and severe harm if you are removed from the United States. Proving extreme hardship involving unusual and severe harm requires you to meet a higher standard of proof than other extreme hardship standards in immigration law. The extreme hardship cannot be based on current or future economic harm, or the lack of or disruption to social or economic opportunities. USCIS may consider both traditional extreme hardship factors and the factors associated with having been a victim of a severe form of trafficking in persons, as well as relevant country condition reports or any other public or private sources of information. However, USCIS will only consider factors that show hardship to you, not to other people or your family members. See 8 CFR 214.11(i) for a list of factors.

You should include evidence to document all factors that are relevant to you. However, if the basis of your current extreme hardship claim is a continuation of the extreme hardship claimed in your application for T-1 nonimmigrant status, you do not need to re-document the entire claim. Instead, submit evidence to establish that your previously established extreme hardship is ongoing.

**NOTE:** USCIS is not bound by its previous extreme hardship determination.

### ***Discretion (Eligibility requirement for all applicants)***

Adjustment of status based on T nonimmigrant status is not an automatic benefit, so you bear the burden of showing that USCIS should use its discretion to approve your adjustment of status application.

Generally, favorable factors such as family ties, hardship, and length of residence in the United States may be sufficient for USCIS to use its discretion to approve your application. However, when adverse factors are present in your case, you may offset these by submitting supporting documentation of favorable factors you wish USCIS to consider. See 8 CFR 245.23(e)(3).

### ***Bars to Adjustment and Grounds of Inadmissibility (Eligibility requirement for all applicants)***

#### **Bars to Adjustment**

The adjustment bars listed in the **Who Is Not Eligible to Adjust Status?** section of the general instructions for Form I-485 do NOT apply to you.

#### **Grounds of Inadmissibility**

If you are inadmissible to the United States, you may not adjust to lawful permanent resident status. You can find the grounds of inadmissibility listed in INA section 212(a) at [www.uscis.gov](http://www.uscis.gov).

If you are inadmissible, you may be eligible for a waiver or other form of relief. If your waiver application or other form of relief is granted, your application to adjust status may be approved.

You can learn more about waivers and other forms of relief by reading the instructions for Form I-601, Application for Waiver of Grounds of Inadmissibility.

### ***Evidence Checklist for Human Trafficking Victims or Family Members***

You must submit the following documentation with your application. The **What Evidence Must You Submit with This Application?** section of the general instructions for Form I-485 provides a detailed explanation of the required evidence.

#### **Principal Applicant (T-1)**

- Copy of government-issued identity document with photograph
- Copy of birth certificate
- Copy of Form I-797, Notice of Action, showing approval of your T-1 nonimmigrant status
- Copy of Form I-94 Arrival-Departure Record or a copy of CBP admission or parole stamp on the travel document (if applicable)

**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/I94](http://www.cbp.gov/I94).

- Copies of all pages of your most recent passport (or equivalent travel document or a valid explanation of why you do not have a passport) and all passports valid during your T-1 nonimmigrant status (if available)
- Evidence you were lawfully admitted in T nonimmigrant status and continue to hold such status at the time you file this application

**NOTE:** For T nonimmigrants who traveled outside the United States and re-entered using an advance parole document issued under 8 CFR 245.2(a)(4)(ii)(B), the date that you were first admitted in lawful T status will be the date of admission.

- Evidence of your continuous physical presence (See the **Continuous Physical Presence** section above)
- Evidence of good moral character
- Evidence that:
  - A.** You complied with any reasonable request for assistance in the investigation or prosecution of the acts of trafficking since you were first lawfully admitted in T-1 nonimmigrant status and until USCIS makes a decision on your application;
  - B.** You were not required to comply with any reasonable requests for assistance in the investigation or prosecution when you received your T-1 nonimmigrant status (because you were under 18 years of age or suffered trauma at the time of victimization that exempted you from the compliance requirement); or
  - C.** You would suffer extreme hardship involving unusual and severe harm if removed from the United States.
- Evidence relating to discretion (See the **Discretion** section above)
- Form I-693, Record of Medical Examination and Vaccination Record (You may also submit Form I-693 later or when USCIS asks you to submit it.)
- If you departed from the United States while in T-1 nonimmigrant status, you must submit evidence showing the dates of each departure from the United States, the date and place of each return to the United States, and the reason for each departure (if applicable)

**NOTE:** You can provide this information using the space provided in **Part 13. Additional Information** of Form I-485 or attach a separate sheet of paper.

- Certified police and court records of criminal charges, arrests, or convictions (if applicable)
- Waiver of inadmissibility or other form of relief (if applicable)

**Derivative Applicant (T-2, T-3, T-4, T-5, or T-6)**

- Copy of government-issued identity document with photograph
- Copy of birth certificate
- Copy of Form I-797, Notice of Action, showing approval of your T-2, T-3, T-4, T-5, or T-6 nonimmigrant status
- Copy of Form I-94 Arrival-Departure Record or a copy of CBP admission or parole stamp on the travel document (if applicable)

**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/I94](http://www.cbp.gov/I94).

- Copies of all pages of your most recent passport or an explanation of why you do not have a passport
- Evidence you were lawfully admitted in T nonimmigrant status and continue to hold such status at the time you file this application
- Evidence relating to discretion (See the **Discretion** section above)
- Form I-693, Record of Medical Examination and Vaccination Record (You may also submit Form I-693 later or when USCIS asks you to submit it.)
- Certified police and court records of criminal charges, arrests, or convictions (if applicable)
- Waiver of inadmissibility or other form of relief (if applicable)

**Form I-918, Petition for U Nonimmigrant Status; Form I-918, Supplement A, Petition for Qualifying Family Member of U-1 Recipient; or Form I-929, Petition for Qualifying Family Member of U-1 Nonimmigrant (Crime Victim or Family Member)**

**Eligibility**

**Principal Applicant (U-1)**

You are eligible to apply to adjust status to lawful permanent resident status based on U-1 nonimmigrant status if:

1. You were lawfully admitted in U-1 nonimmigrant status;
2. You continue to hold U-1 nonimmigrant status;
3. You have been physically present in the United States for a continuous period of at least three years since you were admitted as a U-1 nonimmigrant. You must continue to be physically present through the date that USCIS makes a decision on this application;
4. You have not unreasonably refused to provide assistance in the investigation or prosecution of the qualifying criminal activity since first being admitted as a U nonimmigrant through the date that USCIS makes a decision on this application;
5. Your presence in the United States is justified on humanitarian grounds, to ensure family unity, or is in the public interest; and
6. You are not inadmissible under INA section 212(a)(3)(E).

**NOTE:** Form I-918 is used to petition for principal U nonimmigrant status. To show that USCIS approved your Form I-918, you may submit a copy of your I-797, Notice of Action, stating you were approved for U nonimmigrant status.

**Derivative Applicant (U-2, U-3, U-4, or U-5)**

You are eligible to adjust status to lawful permanent resident status based on derivative U nonimmigrant status if:

1. You were lawfully admitted in U-2, U-3, U-4, or U-5 nonimmigrant status;
2. You continue to hold U-2, U-3, U-4, or U-5 nonimmigrant status;
3. You have been physically present in the United States for a continuous period of at least three years since you were admitted as a U derivative nonimmigrant. You must continue to be physically present through the date that USCIS makes a decision on this application;
4. Your presence in the United States is justified on humanitarian grounds, to ensure family unity, or is in the public interest; and
5. You are not inadmissible under INA section 212(a)(3)(E).

**NOTE:** If you meet these eligibility requirements, you do not have to wait for the principal applicant to file Form I-485; you may file on your own.

**NOTE:** To show that USCIS approved your Form I-918, Supplement A, granting you derivative U nonimmigrant status, you may submit a copy of your Form I-797, Notice of Action.

**Qualifying Family Member**

You are eligible to adjust status to lawful permanent resident status as a qualifying family member if:

1. You have never held U nonimmigrant status;
2. You have an approved Form I-929, Petition for Qualifying Family Member of a U-1 Nonimmigrant;



3. You can establish that you or the U-1 principal applicant would suffer extreme hardship if you are not allowed to remain in the United States; and
4. You are not inadmissible under INA section 212(a)(3)(E).

**NOTE:** If you are a qualifying family member (your Form I-929 has already been approved), you can file Form I-485 if the principal U-1 applicant's Form I-485 is pending or the principal U-1 applicant is already a lawful permanent resident.

**NOTE:** Your qualifying family relationship that formed the basis of your Form I-929 approval must exist at the time the U-1 principal applicant becomes a lawful permanent resident and must continue to exist until USCIS makes a decision on your application to adjust status.

### ***Continuous Physical Presence (Eligibility requirement for principals and derivatives)***

You do not need to submit documentation showing presence on every single day of the three-year U nonimmigrant status period, but you should not have significant chronological gaps in your documentation.

To show continuous physical presence, you must submit items **Items 1. – 4 below:**

1. Copies of every page of your passport(s) or equivalent travel document(s).
2. Documentation of any departure from, and return to, the United States while in U nonimmigrant status, including:
  - A. Date of departure;
  - B. Place of departure; C. Length of departure;
  - D. Manner of departure (plane, boat, etc.);
  - E. Date of return; and
  - F. Place of return.
3. Evidence establishing continuous physical presence, including but not limited to:
  - A. Documentation issued by any governmental or nongovernmental authority as long as the documentation contains your name, was dated at the time it was issued, and contains the normal signature, seal, or other authenticating instrument of the authorized representative of the issuing authority;
  - B. College transcripts;
  - C. Employment records;
  - D. Certification that you filed federal or state income tax returns, showing that you attended school or worked in the United States throughout the entire continuous physical presence period;
  - E. Documents showing installment payments, such as a series of monthly rent receipts or utility bills; or
  - F. A list of the type and date of documents already contained in your DHS file that establishes physical presence, such as, but not limited to, a written copy of a sworn statement given to a DHS officer, a document from the law enforcement agency attesting to the fact that you have continued to comply with requests for assistance, the transcript of a formal hearing; and Form I-213, Record of Deportable-Inadmissible Alien; and
4. Your own affidavit attesting to your continuous physical presence.

If you do not have documentation to establish continuous physical presence, you must explain why in an affidavit and provide additional affidavits from others with first-hand knowledge who can attest to your continuous physical presence with specific facts. **Your declaration alone is not sufficient to show continuous physical presence.**



Generally, you have failed to maintain continuous physical presence if you departed from the United States for any trip that lasted longer than 90 days or for multiple trips that together exceeded 180 days. To show that you maintained continuous physical presence despite taking these trips, you must submit a certification from the agency that signed Form I-918, Supplement B, in support of your U nonimmigrant status stating that:

1. Your absence was in order to assist in the investigation or prosecution of the qualifying criminal activity; or
2. Your absence was otherwise justified.

***Compliance with Reasonable Requests for Assistance in the Investigation or Prosecution of the Qualifying Criminal Activity (Eligibility requirement only for principals)***

You are required to provide ongoing assistance, as needed, to law enforcement agencies involved in the investigation or prosecution of the qualifying criminal activity. 8 CFR 245.24(a)(5) defines “refusal to provide assistance in a criminal investigation or prosecution” as a refusal by the U nonimmigrant to provide assistance to law enforcement authorities after being granted U nonimmigrant status.

USCIS will consider the totality of the circumstances when determining whether your refusal to provide assistance was reasonable. USCIS will consider factors such as:

1. General law enforcement, prosecutorial, and judicial practices;
2. The kinds of assistance asked of other victims of crimes involving an element of force, coercion, or fraud;
3. The nature of the request for assistance;
4. The nature of the victimization;
5. The applicable guidelines for victim and witness assistance; and
6. Your specific circumstances, including fear, severe traumatization (both mental and physical), and your age and maturity.

You must submit evidence that, from the time you filed for U nonimmigrant status until you file Form I-485, you have complied with (or did not unreasonably refuse to comply with) reasonable requests for assistance in the investigation or prosecution of the qualifying criminal activity. You are required to provide ongoing assistance until USCIS adjudicates your Form I-485.

**The evidence may include:**

1. A newly executed Form I-918, Supplement B, U Nonimmigrant Status Certification;
2. A photocopy of the original Form I-918, Supplement B, U Nonimmigrant Status Certification, with a new date and signature from the certifying agency;
3. Documentation on official letterhead from the certifying agency stating that you have not unreasonably refused to cooperate in the investigation or prosecution of the qualifying criminal activity; and
4. An affidavit describing any efforts you made to obtain a newly executed Form I-918, Supplement B, or other evidence describing whether you received any requests to provide assistance in the criminal investigation or prosecution of the qualifying criminal activity, and your response to these requests.

**If you submit an affidavit, it must include:**

1. A description of all instances when you were requested to provide assistance in the criminal investigation or prosecution of persons in connection with the qualifying criminal activity after you were granted U nonimmigrant status and how you responded to such requests;
2. Any identifying information you have about the law enforcement personnel involved in the case;

3. Any information you have about the status of the criminal investigation or prosecution, including any charges filed and the outcome of any criminal proceedings, or whether the investigation or prosecution was dropped and the reasons why;
4. Court documents, police reports, news articles, copies of reimbursement forms for travel to and from court, and affidavits of other witnesses or officials; and
5. If you have refused a request for assistance in the investigation or prosecution, you must provide a detailed explanation of why you refused to comply with requests for assistance and why you believed that the requests for assistance were unreasonable.

**NOTE:** In certain cases, this requirement of ongoing assistance may require someone other than the principal applicant to provide evidence to USCIS. For example, in some U nonimmigrant cases, the U-1 petitioner was a child, incompetent, or incapacitated and was not directly required to provide the assistance in an investigation or prosecution of the qualifying criminal activity. In these cases, someone other than the child, such as a parent, provided the assistance. This person may need to provide evidence of continued assistance (or that there was no unreasonable refusal to comply) with an investigation or prosecution of the qualifying criminal activity.

### ***Discretion (Eligibility requirement for all applicants)***

Adjustment of status based on U nonimmigrant status is not an automatic benefit, so you bear the burden of showing that USCIS should use its discretion to grant your adjustment of status application. When making a discretionary decision on your application, USCIS may take into account all factors, including those acts that would otherwise make you inadmissible.

Generally, favorable factors such as family ties, hardship, and length of residence in the United States may be sufficient for USCIS to use its discretion to approve your application. However, when adverse factors are present in your case, you may offset these by submitting supporting documentation of favorable factors you wish USCIS to consider.

### ***Bars to Adjustment and Grounds of Inadmissibility***

#### **Bars to Adjustment**

The adjustment bars listed in the **Who Is Not Eligible to Adjust Status** section of the general instructions for Form I-485 do NOT apply to you.

#### **Grounds of Inadmissibility**

Generally, if you are applying for adjustment of status based on U nonimmigrant status, the grounds of inadmissibility listed in INA section 212(a) do not apply to you. However, if you have committed conduct that makes you inadmissible under INA section 212(a)(3)(E) (participants in Nazi persecution, genocide, or the commission of any act, torture, or extrajudicial killing), you are ineligible for adjustment. Please note that while you are not required to be admissible under INA section 212(a), USCIS may still consider any other conduct that may have made you inadmissible.

Before USCIS can grant of adjustment of status based on U nonimmigrant status, the Secretary of Homeland Security must determine that your continued presence in the United States is justified on humanitarian grounds, to ensure family unity, or is otherwise in the public interest (as required by INA section 245(m)(1)(B)).

### ***Evidence Checklist for Crime Victims or Family Members***

You must submit the following documentation with your application. The **What Evidence Must You Submit with This Form?** section of the general instructions for Form I-485 provides a detailed explanation of the required evidence.

#### **Principal Applicant (U-1)**

- Copy of government-issued identity document with photograph

- Copy of birth certificate
- Copy of Form I-797, Notice of Action, showing approval of your U-1 nonimmigrant status
- Copy of Form I-94 Arrival-Departure Record or a copy of CBP admission or parole stamp on the travel document (if applicable)

**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/194](http://www.cbp.gov/194) according to the instructions provided by CBP at the time of admission.

- Copies of all pages of all your passports valid during the required period (or equivalent travel document or a valid explanation of why you do not have a passport)
- If you departed from the United States while in U-1 nonimmigrant status, you must submit evidence showing the dates of each departure from the United States, the date and place of each return to the United States, and the reason for each departure (if applicable)

**NOTE:** You can provide this information using the space provided in **Part 13. Additional Information** of Form I-485 or attach a separate sheet of paper.

- Your own affidavit attesting to your continuous physical presence and evidence of your continuous physical presence (see the **Continuous Physical Presence** section above)
- Evidence you were lawfully admitted in U-1 nonimmigrant status and continue to hold such status at the time you file this application
- Evidence you have complied with any reasonable request for assistance in the criminal investigation or prosecution of criminal activity (see the **Compliance with Reasonable Requests for Assistance in the Investigation or Prosecution** section above)
- Evidence that adjustment of status is warranted as a matter of discretion on humanitarian grounds, to ensure family unity, or is otherwise in the public interest
- Evidence showing that USCIS should exercise its discretion in your favor (See the **Discretion** section above)
- Form I-693, Record of Medical Examination and Vaccination Record (You may also submit Form I-693 later or when USCIS asks you to submit it.)
- Certified police and court records of criminal charges, arrests, or convictions (if applicable)

#### **Derivative Applicant (U-2, U-3, U-4, and U-5)**

- Copy of government-issued identity document with photograph
- Copy of birth certificate
- Copy of Form I-797, Notice of Action, showing approval of your U-2, U-3, U-4, or U-5 nonimmigrant status
- Copy of Form I-94 Arrival-Departure Record or a copy of CBP admission or parole stamp on the travel document (if applicable)

**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/194](http://www.cbp.gov/194).

- Copies of all pages of all your passports valid during the required period (or equivalent travel document or a valid explanation of why you do not have a passport)

- If you departed from the United States while in derivative U nonimmigrant status, you must submit evidence showing the dates of each departure from the United States, the date and place of each return to the United States, and the reason for each departure (if applicable)

**NOTE:** You can provide this information using the space provided in **Part 13. Additional Information** of Form I-485 or attach a separate sheet of paper.

- Your own affidavit attesting to your continuous physical presence and evidence of your continuous physical presence (see the **Continuous Physical Presence** section above)
- Evidence you were lawfully admitted in U-2, U-3, U-4, or U-5 nonimmigrant status and continue to hold such status at the time you file this application
- Evidence that adjustment of status is warranted as a matter of discretion on humanitarian grounds, to ensure family unity, or is otherwise in the public interest
- Evidence showing that USCIS should exercise its discretion in your favor (See the **Discretion** section above)
- Form I-693, Record of Medical Examination and Vaccination Record (You may also submit Form I-693 later or when USCIS asks you to submit it.)
- Certified police and court records of criminal charges, arrests or convictions (if applicable)

#### **Qualifying Family Member**

- Copy of government-issued identity document with photograph
- Copy of birth certificate
- Copy of documentation showing your relationship to the U-1 principal applicant (such as a marriage certificate, adoption decree, etc.)
- Copy of Form I-94 Arrival-Departure Record or a copy of CBP admission or parole stamp on the travel document (if applicable)

**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/I94](http://www.cbp.gov/I94).

- Copies of all pages of all your passports valid during the required period (or equivalent travel document or a valid explanation of why you do not have a passport)
- A copy of the approval letter for Form I-929, Petition for Qualifying Family Member of a U-1 Nonimmigrant
- Evidence showing that USCIS should exercise its discretion in your favor (See the **Discretion** section above)
- Form I-693, Record of Medical Examination and Vaccination Record (You may also submit the I-693 later or when USCIS asks you to submit it.)
- Certified police and court records of criminal charges, arrests, or convictions (if applicable)

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## Additional Instructions for Asylum and Refugee-Based Adjustment of Status

Department of Homeland Security  
U.S. Citizenship and Immigration Services

USCIS  
Form I-485  
OMB No. 1615-0023  
Expires 06/30/2015

If you are filing Form I-485 in order to adjust status, you must read these additional instructions that apply to your specific immigrant category together with the general instructions for Form I-485, Application to Register Permanent Residence or Adjust Status.

### What Is the Purpose of These Additional Instructions?

These additional instructions provide guidance for filing an application for adjustment of status based on:

1. A grant of asylum (section 208 of the Immigration and Nationality Act (INA))
  - A. Form I-589, Application for Asylum and for Withholding of Removal;
  - B. Form I-730, Refugee/Asylee Relative Petition;
2. Refugee status (INA section 207)
  - A. Form I-590, Registration for Classification as a Refugee; or
  - B. Form I-730, Refugee/Asylee Relative Petition.

### Grant of Asylum (INA Section 208), Form I-589 or Form I-730

#### Eligibility

You are eligible to apply to adjust to lawful permanent resident status based on a grant of asylum if:

#### Principal Applicant

1. You have been granted asylum in the United States;
2. You have been physically present in the United States for at least one year after the grant of asylum;
3. You still meet the definition of a refugee under INA section 101(a)(42);
4. You are not firmly resettled in any foreign country;
5. Your grant of asylum has not been terminated; and
6. You are admissible to the United States for lawful permanent residence or are eligible for a waiver of inadmissibility or other form of relief.

#### Derivative Applicant (spouse or child of principal applicant)

1. You were granted asylum as an accompanying derivative of the principal asylee by being included on the principal applicant's Form I-589, or as a following-to-join beneficiary of an approved Form I-730 filed by a principal asylee applicant;
2. You have been physically present in the United States for at least one year since you were granted asylum as a derivative;
3. You are still the spouse or child of the principal applicant, and the principal applicant still meets the definition of a refugee under INA section 101(a)(42);
4. Your grant of asylum has not been terminated; and
5. You are admissible to the United States for lawful permanent residence or are eligible for a waiver of inadmissibility or other form of relief.

**NOTE:** The following are examples of derivative asylees who are ineligible for adjustment: (a) former spouses of the principal; (b) married children of the principal; (c) sons or daughters (21 years of age or older) of the principal who are



ineligible for age-out protection under the Child Status Protection Act (for more information, see <http://www.uscis.gov/green-card/green-card-processes-and-procedures/child-status-protection-act/child-status-protection-act-cspa>); (d) derivatives whose principal asylee has naturalized; and (e) derivatives whose principal asylee no longer meets the definition of a refugee.

**NOTE:** Asylee derivatives may adjust with the principal or independently from the principal

## **Bars to Adjustment and Grounds of Inadmissibility**

### **Bars to Adjustment**

The adjustment bars listed in the **Who Is Not Eligible to Adjust Status?** section in the general instructions for Form I-485 do NOT apply to you.

### **Grounds of Inadmissibility**

If you are inadmissible to the United States, you may not adjust to lawful permanent resident status. You can find the grounds of inadmissibility listed in INA section 212(a) at [www.uscis.gov](http://www.uscis.gov).

If you are applying for lawful permanent resident status based on asylee status, the following grounds of inadmissibility do not apply to you:

1. INA section 212(a)(4) (public charge);
2. INA section 212(a)(5) (labor certification); and
3. INA section 212(a)(7)(A) (documentation requirements).

If you are inadmissible based on other grounds listed in INA section 212(a), you may be eligible for a waiver or other form of relief. If your waiver application or other form of relief is granted, your application to adjust status may be approved.

You can learn more about waivers by reading the instructions for Form I-602, Application by Refugee for Waiver of Grounds of Excludability.

## **Evidence Checklist for Asylees**

You must submit the following documents with your application. The **What Evidence Must You Submit with This Application?** section of the general instructions for Form I-485 provides a detailed explanation of the required evidence.

### **Principal Applicant**

- Photographs
- Copy of government-issued identity document with photograph
- Copy of birth certificate (if available)
- Copy of passport page with nonimmigrant visa (if available)
- Copy of passport page with admission or parole stamp (if available)
- Copy of Form I-94 Arrival-Departure Record
- Evidence of your asylum status (such as copy of the asylum approval notice from USCIS or immigration court order granting you asylum)
- Form I-693, Record of Medical Examination and Vaccination Record (if applicable, see Form I-693 Form Instructions, Section III) (You also may submit Form I-693 later or when USCIS asks you to submit it.)
- Certified police and court records of criminal charges, arrests, or convictions (if applicable)
- Form I-602, Application by Refugee for Waiver of Grounds of Excludability (if applicable)

### **Derivative Applicant (spouse or child of principal applicant)**

- Photographs
- Copy of government-issued identity document with photograph
- Copy of birth certificate (if available)
- Copy of passport page with nonimmigrant visa (if applicable)
- Copy of passport page with admission or parole stamp (if applicable)
- Copy of Form I-94 Arrival-Departure Record
- Copy of documentation showing you continue to be the spouse or child of the principal applicant (such as a marriage certificate, adoption decree, etc.)
- Evidence of your asylum status (such as a copy of an approved Form I-730, the asylum approval notice from USCIS, or immigration court order granting asylum)
- Form I-693, Record of Medical Examination and Vaccination Record (if applicable, see Form I-693 Instructions, Section III) (You also may submit Form I-693 later or when USCIS asks you to submit it.)
- Certified police and court records of criminal charges, arrests, or convictions (if applicable)
- Form I-602, Application by Refugee for Waiver of Grounds of Excludability (if applicable)

## **Refugee Status (INA Section 207), Form I-590 or Form I-730**

### **Eligibility**

You are eligible to apply to adjust to lawful permanent resident status based on refugee status if:

#### **Principal Applicant**

1. You have been admitted as a refugee into the United States;
2. You have been physically present in the United States for at least one year after your admission;
3. Your refugee status has not been terminated; and
4. You have not already acquired permanent resident status.

#### **Derivative Applicant (spouse or child of principal applicant)**

1. You were admitted as an accompanying derivative of the principal refugee applicant, or as a following-to-join beneficiary of an approved Form I-730 filed by the principal refugee applicant;
2. You have been physically present in the United States for at least one year after admission as a refugee;
3. Your refugee status has not been terminated; and
4. You have not already acquired permanent resident status.

### **Bars to Adjustment and Grounds of Inadmissibility**

#### **Bars to Adjustment**

The adjustment bars listed in the **Who Is Not Eligible to Adjust Status?** section of the general instructions for Form I-485 do NOT apply to you.

#### **Grounds of Inadmissibility**

If you are inadmissible to the United States, you may not adjust to lawful permanent resident status. You can find the grounds of inadmissibility listed in INA section 212(a) at [www.uscis.gov](http://www.uscis.gov).

If you are applying based on refugee status, the following grounds of inadmissibility do not apply to you:

1. INA section 212(a)(4) (public charge);
2. INA section 212(a)(5) (labor certification); and
3. INA section 212(a)(7)(A) (documentation requirements).

If you are inadmissible based on other grounds listed in INA section 212(a), you may be eligible for a waiver or other form of relief. If your waiver application or other form of relief is granted, your application to adjust status may be approved.

You can learn more about waivers by reading the instructions for Form I-602, Application by Refugee For Waiver of Grounds of Excludability.

### **Evidence Checklist for Refugees**

You must submit the following documents with your application. The **What Evidence Must You Submit with This Application?** section of the general instructions for Form I-485 provides a detailed explanation of the required evidence.

#### **Principal Applicant**

- Photographs
- Copy of government-issued identity document with photograph
- Copy of birth certificate (if available)
- Copy of passport page with nonimmigrant visa (if available)
- Copy of passport page with admission or parole stamp (if available)
- Copy of Form I-94 Arrival-Departure Record or a copy of CBP admission or parole stamp on the travel document (if applicable)

**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/I94](http://www.cbp.gov/I94).

- Evidence of your refugee status
- Form I-693, Record of Medical Examination and Vaccination Record (if applicable, see Form I-693 Form Instructions, Section III) (You also may submit Form I-693 later or when USCIS asks you to submit it.)
- Certified police and court records of criminal charges, arrests, or convictions (if applicable)
- Form I-602, Application by Refugee for Waiver of Grounds of Excludability (if applicable)

#### **Derivative Applicant (spouse or child of principal applicant)**

- Photographs
- Copy of government-issued identity document with photograph
- Copy of birth certificate (if available)
- Copy of passport page with nonimmigrant visa (if available)
- Passport page with admission or parole stamp (if available)
- Copy of Form I-94 Arrival-Departure Record or a copy of CBP admission or parole stamp on the travel document (if applicable)

**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon

arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/I94](http://www.cbp.gov/I94).

- Evidence of your refugee status
- Form I-693, Record of Medical Examination and Vaccination Record (if applicable, see Form I-693 Form Instructions, Section III) (You also may submit Form I-693 later or when USCIS asks you to submit it.)
- Certified police and court records of criminal charges, arrests, or convictions (if applicable)
- Form I-602, Application by Refugee for Waiver of Grounds of Excludability (if applicable)

Pre-Decisional Deliberative Draft

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## Additional Instructions for Programs Based on Certain Public Laws

USCIS Form I-485

OMB No. 1615-0023

Expires 06/30/2015

Department of Homeland Security  
U.S. Citizenship and Immigration Services

If you are filing Form I-485 in order to adjust status, you must read these additional instructions that relate to your specific immigrant category together with the general instructions for Form I-485, Application to Register Permanent Residence or Adjust Status.

### What Is the Purpose of These Additional Instructions?

These additional instructions provide guidance for filing an application for adjustment of status based on:

1. The Cuban Adjustment Act (CAA);
2. CAA for Abused Spouses and Children;
3. Dependent Status under the Haitian Refugee Immigration Fairness Act (HRIFA);
4. Dependent Status under HRIFA for Abused Spouses and Children;
5. Former Soviet Union or Indochinese Parolees (Lautenberg Parolees); or
6. Diplomats or High Ranking Officials Unable to Return Home (Section 13 of the Act of September 11, 1957).

### CAA

#### Eligibility

You are eligible to apply to adjust to lawful permanent resident status based on the provisions of the CAA if:

##### Principal Applicant

1. You are a native or citizen of Cuba;
2. You were inspected and admitted or paroled into the United States after January 1, 1959;
3. You have been physically present in the United States for at least one year; and
4. You are admissible to the United States or are eligible for a waiver of your inadmissibility or other form of relief.

##### Derivative Applicant (spouse or child of principal applicant)

1. You are the spouse or child of a native or citizen of Cuba who has:
  - A. Filed an application for CAA adjustment; or
  - B. Acquired lawful permanent resident status under the CAA and still holds this status;
2. You were inspected and admitted or paroled into the United States after January 1, 1959;
3. You have been physically present in the United States for at least one year;
4. You reside with the principal applicant; and
5. You are admissible to the United States or are eligible for a waiver of your inadmissibility or other form of relief.

**NOTE:** If you are the spouse or child of a qualifying CAA applicant, you may file to adjust status as a derivative applicant under the CAA regardless of your nationality or place of birth.



You may apply under the CAA regardless of how long your relationship has existed. Whether your relationship began before or after your Cuban spouse or parent became a lawful permanent resident does not matter.

**NOTE:** If you are filing under Violence Against Women Act (VAWA) provisions, see the **CAA for Abused Spouses and Children** section of these instructions.

### ***Nationality Requirement***

You can meet the Cuban nationality requirement if:

1. You were born in Cuba (including the U.S. Navy Base at Guantanamo Bay, Cuba), even if you are not a citizen of Cuba;
2. You were born outside Cuba but became a naturalized citizen of Cuba, and you are still a citizen of Cuba; or
3. You were born outside Cuba but acquired Cuban citizenship under Cuban law that was in effect when you were born, and you are still a citizen of Cuba.

Even if you never resided in Cuba or you were born in a country other than Cuba, you may still be a Cuban citizen. You may establish Cuban citizenship by documenting your birth to a Cuban citizen parent regardless of where you were born.

One of the following documents will prove your Cuban citizenship:

1. A valid Cuban passport;
2. A Cuban Civil Registry document issued in Havana; or
3. A Cuban consular certificate of citizenship documenting your birth to at least one Cuban parent within the consular district served by the consulate.

### ***Inspected and Admitted or Paroled After January 1, 1959***

CAA adjustment is available only to applicants who have been “inspected and admitted or paroled” into the United States. If you are present in the United States without inspection, you are not eligible for CAA adjustment unless you first surrender yourself into Department of Homeland Security (DHS) custody and DHS paroles you under the Immigration and Nationality Act (INA) section 212(d)(5)(A), pending a final determination of your admissibility.

If you are a Cuban native or citizen who has already been physically present in the United States for at least one year at the time DHS paroles you, then you may apply for adjustment of status immediately after being paroled. The law does not require that your one-year period of physical presence follow the parole.

### ***Bars to Adjustment and Grounds of Inadmissibility***

#### **Bars to Adjustment**

The adjustment bars listed in the **Who Is Not Eligible to Adjust Status?** section of the general instructions for Form I-485 do NOT apply to you.

However, if you are or were a J-1 or J-2 exchange visitor and are subject to the 2-year foreign residence requirement, you may not apply to adjust status unless you have complied with the foreign residence requirement, have been granted a waiver, or have received a Department of State recommendation for a waiver of the foreign residence requirement. See the Instructions for Form I-612, Application for Waiver of the Foreign Residence Requirement, for more information.

#### **Grounds of Inadmissibility**

If you are inadmissible to the United States, you may not adjust to lawful permanent resident status. You can find the grounds of inadmissibility listed in INA section 212(a) at [www.uscis.gov](http://www.uscis.gov).

If you are applying for lawful permanent resident status based on the CAA, these grounds of inadmissibility do not apply to you:

1. INA section 212(a)(4) (public charge);
2. INA section 212(a)(5) (labor certification); and
3. INA section 212(a)(7)(A) (documentation requirements).

If you are inadmissible based on other grounds listed in INA section 212(a), you may be eligible for a waiver or other form of relief. If your waiver application or other form of relief is granted, your application to adjust status may be approved.

You can learn more about waivers and other forms of relief by reading the instructions for Form I-601, Application for Waiver of Grounds of Inadmissibility, and Form I-212, Application for Permission to Reapply for Admission into the United States After Deportation or Removal.

### **Evidence Checklist for CAA Applicants**

You must submit the following documentation with your application. The **What Evidence Must You Submit with This Application?** section of the general instructions for Form I-485 provides a detailed explanation of the required evidence.

#### **Principal Applicant**

- Photographs
- Copy of government-issued identity document with photograph
- Copy of birth certificate
- Copy of passport page with nonimmigrant visa (if applicable)
- Copy of passport page with admission or parole stamp (if applicable)
- Copy of Form I-94 Arrival-Departure Record or a copy of CBP admission or parole stamp on the travel document (if applicable)

**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/I94](http://www.cbp.gov/I94).

- Evidence of Cuban birth or citizenship, if not contained in your birth certificate (See the **Nationality Requirement** section of these instructions.)
- Evidence you have been physically present in the United States for at least one year (See the **Inspected and Admitted or Paroled After January 1, 1959** section of these instructions.)
- Form I-693, Record of Medical Examination and Vaccination Record (You may also submit Form I-693 later or when U.S. Citizenship and Immigration Services (USCIS) asks you to submit it.)
- Certified police and court records of criminal charges, arrests, or convictions (if applicable)
- Waiver of inadmissibility or other form of relief (if applicable)
- Documentation of past or present J-1 or J-2 status (if applicable)

#### **Derivative Applicant (spouse or child of principal applicant)**

- Photographs
- Copy of government-issued identity document with photograph
- Copy of birth certificate

- Copy of passport page with nonimmigrant visa (if applicable)
- Copy of passport page with admission or parole stamp (if applicable)
- Copy of Form I-94 Arrival-Departure Record or a copy of CBP admission or parole stamp on the travel document (if applicable)

**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/I94](http://www.cbp.gov/I94).

- Evidence you have been physically present in the United States for at least one year (See the **Inspected and Admitted or Paroled After January 1, 1959** section of these instructions.)
- Copy of documentation showing your relationship to the CAA principal applicant (such as a marriage certificate, adoption decree, etc.)
- Evidence that you reside with the principal applicant
- Form I-693, Record of Medical Examination and Vaccination Record (You may also submit Form I-693 later or when USCIS asks you to submit it.)
- Certified police and court records of criminal charges, arrests, or convictions (if applicable)
- Waiver of inadmissibility or other form of relief (if applicable)
- Documentation of past or present J-1 or J-2 status (if applicable)

## CAA for Abused Spouses and Children

### *Eligibility*

Even if you are not a Cuban national and were not born in Cuba, you are eligible to apply to adjust to lawful permanent resident status based on being an abused spouse or child of a CAA-eligible spouse or parent if:

1. You are or were the spouse of a CAA-eligible spouse or are the child of a CAA-eligible parent;
2. You were inspected and admitted or paroled into the United States after January 1, 1959;
3. You have been physically present in the United States for at least one year;
4. You were subjected to battery or extreme cruelty by your CAA-eligible spouse or parent;
5. You resided with your abusive Cuban spouse or parent at some point during your relationship as a spouse or child. You are not required to be residing with your abusive Cuban spouse or parent at the time you file for adjustment of status; and
6. You are admissible to the United States or are eligible for a waiver of your inadmissibility or other form of relief.

**NOTE:** USCIS does not need to make a decision on the abuser's Form I-485 application before making a decision on the abused spouse's or child's CAA application.

**NOTE:** You may apply for adjustment of status even if your abusive Cuban spouse or parent: (1) lost lawful permanent resident status due to an incident of domestic violence; (2) has a pending Form I-485 and lost eligibility due to an incident of domestic violence; or (3) was denied adjustment of status because of an incident of domestic violence.

**NOTE:** You may not be eligible to apply for adjustment of status if your abusive Cuban spouse or parent: (1) does not fit the eligibility requirements described in the **CAA** section in these instructions; (2) is not eligible to adjust status or has not applied to adjust status; or (3) is a naturalized U.S. citizen.

VAWA confidentiality provisions (8 U.S.C. 1367) apply to you as the abused spouse or child of principal CAA-eligible spouse or parent.

### ***Relationship Requirements***

You may apply under the CAA for abused spouses and children regardless of how long your relationship existed. It also does not matter whether your relationship began before or after your Cuban spouse or parent became a lawful permanent resident.

#### ***Death***

If your abusive Cuban spouse has died, you may file an application for adjustment of status within two years of your abusive Cuban spouse's death, as long as you lived with your abusive Cuban spouse.

#### ***Termination of the Marriage***

If the marriage ended in divorce or was annulled, you may file an application for adjustment of status within two years of the termination of the marriage as long as you demonstrate:

1. You lived with your abusive Cuban spouse; and
2. The battery or extreme cruelty by your Cuban spouse and the termination of your marriage are connected.

### ***Inspected and Admitted or Paroled after January 1, 1959***

CAA adjustment is available only to applicants who have been "inspected and admitted or paroled" into the United States. If you are present in the United States without inspection, you are not eligible for CAA adjustment unless you first surrender yourself into DHS custody and DHS paroles you under INA section 212(d)(5)(A), pending a final determination of your admissibility.

If you are a Cuban native or citizen who has already been physically present in the United States for at least one year at the time DHS paroles you, then you may apply for adjustment of status immediately after being paroled. The law does not require that your one-year period of physical presence follow the parole.

### ***Evidence of Battery or Extreme Cruelty***

Evidence of battery should show that your spouse or parent committed an intentional, non-consensual, harmful, or offensive physical act of violence towards you or your child. Some examples include, but are not limited to, rape, molestation, forced prostitution, punching, biting, kidnapping, kicking, choking, and sexual abuse.

Evidence of extreme cruelty should show that your spouse or parent committed non-physical acts of violence or threats of violence demonstrating a pattern or intent to attain compliance from or control over you. Some examples include, but are not limited to, controlling what you do and who you see and talk to; denying access to food, family, or medical treatment; threats of physical harm to you or your family; threats to commit suicide; or threats of deportation.

You must submit documentation demonstrating your CAA-eligible spouse or parent subjected you to battery or extreme cruelty during the qualifying relationship. Evidence may include:

1. Reports and affidavits from police, judges, or other court officials;
2. Copies of legal documents related to orders of protection or other legal processes that address the abuse;
3. Affidavits from persons who witnessed or have knowledge of the abusive acts;
4. Reports and affidavits from medical personnel, school officials, and clergy;
5. Reports and affidavits from social workers or other social service agency personnel;
6. Protection orders or proof of other legal steps you took to end the abuse;
7. Documentation to show you sought safe haven in a family violence shelter or similar place; or
8. Photographs of injuries.

USCIS will consider any credible evidence, as defined in INA 204(a)(1)(J), that is relevant to the application. USCIS has the sole discretion to determine what evidence is credible and what weight to give that evidence.

## ***Bars to Adjustment and Grounds of Inadmissibility***

### **Bars to Adjustment**

The adjustment bars listed in the **Who Is Not Eligible to Adjust Status?** section of the general instructions for Form I-485 do NOT apply to you.

However, if you are or were a J-1 or J-2 exchange visitor and are subject to the 2-year foreign residence requirement, you may not apply to adjust status unless you have complied with the foreign residence requirement, have been granted a waiver, or have received a Department of State recommendation for a waiver of the foreign residence requirement. See the Instructions for Form I-612, Application for Waiver of the Foreign Residence Requirement, for more information.

### **Grounds of Inadmissibility**

If you are inadmissible to the United States, you may not adjust to lawful permanent resident status. You can find the grounds of inadmissibility listed in INA section 212(a) at [www.uscis.gov](http://www.uscis.gov).

If you are applying for lawful permanent resident status based on the CAA as an abused spouse or child, these grounds of inadmissibility do not apply to you:

1. INA section 212(a)(4) (public charge);
2. INA section 212(a)(5) (labor certification);
3. INA section 212(a)(7)(A) (documentation requirements); and
4. INA section 212(a)(9)(B) (unlawful presence).

If you are inadmissible based on other grounds listed in INA section 212(a), you may be eligible for a waiver or other form of relief. If your waiver application or other form of relief is granted, your application to adjust status may be approved.

You can learn more about waivers and other forms of relief by reading the instructions for Form I-601, Application for Waiver of Grounds of Inadmissibility, and Form I-212, Application for Permission to Reapply for Admission into the United States After Deportation or Removal.

## ***Evidence Checklist for Abused Spouses and Children Under CAA***

You must submit the following documentation with your application. The **What Evidence Must You Submit with This Application?** section of the general instructions for Form I-485 provides a detailed explanation of the required evidence.

- Photographs
- Copy of government-issued identity document with photograph
- Copy of birth certificate
- Copy of passport page with nonimmigrant visa (if applicable)
- Copy of passport page with admission or parole stamp (if applicable)
- Copy of Form I-94 Arrival-Departure Record or a copy of CBP admission or parole stamp on the travel document (if applicable)

**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/I94](http://www.cbp.gov/I94).



- Copy of documentation showing your relationship to the abusive CAA-eligible spouse or parent (such as a marriage certificate, adoption decree, etc.)
- Evidence that you resided with your abusive Cuban spouse or parent at some point during the qualifying relationship as a spouse or child
- Evidence you have been physically present in the United States for at least one year (See the **Inspected and Admitted or Paroled After January 1, 1959** section of these instructions.)
- Evidence of battery or extreme cruelty (See the **Evidence of Battery or Extreme Cruelty** section of these instructions.)
- Evidence that termination of the marital relationship was connected to the abuse (if applicable)
- Evidence that the abusive Cuban spouse lost status, or eligibility for status, due to an incident of domestic violence (if applicable) (such information may include the following: abuser's full name, date of birth, place of birth, parents' names, A-Number, I-94s, Social Security number, etc.)
- Evidence that the abusive Cuban spouse died within two years of when you file an application for adjustment of status (if applicable)
- Form I-693, Record of Medical Examination and Vaccination Record (You may also submit Form I-693 later or when USCIS asks you to submit it.)
- Certified police and court records of criminal charges, arrests, or convictions (if applicable)
- Waiver of inadmissibility or other form of relief (if applicable)
- Documentation of past or present J-1 or J-2 status (if applicable)

## Dependent Status Under HRIFA

### *Eligibility*

A HRIFA principal applicant must have filed an adjustment application between June 11, 1999, and March 31, 2000 (with limited exceptions). A qualifying dependent applicant, however, can file after that date if the principal applicant filed for adjustment on time.

You are eligible to apply to adjust to lawful permanent resident status based on your dependent status under HRIFA if:

#### **Dependent Spouse or Child**

1. You are a Haitian national;
2. You are the spouse or unmarried child (under 21 years of age) of an eligible HRIFA principal applicant (or of a lawful permanent resident who adjusted status under HRIFA);
3. You are physically present in the United States at the time you file your adjustment of status application;
4. Your qualifying relationship to the HRIFA principal applicant exists (or existed) at the time the principal applicant obtains (or obtained) lawful permanent resident status, and continues to exist until you obtain lawful permanent resident status; and
5. You are admissible to the United States or are eligible for a waiver of your inadmissibility or other form of relief.

**NOTE:** If you are filing under VAWA provisions, see the **HRIFA for Abused Spouses and Children** section of these instructions.

#### **Dependent Unmarried Son or Daughter**

1. You are a Haitian national;
2. You are the unmarried son or daughter (21 years of age or older) of an eligible HRIFA principal applicant (or of a lawful permanent resident who adjusted status under HRIFA);



3. You are physically present in the United States at the time you file your adjustment of status application;
4. Your qualifying relationship to the HRIFA principal applicant exists (or existed) at the time the principal applicant obtains (or obtained) lawful permanent resident status, and continues to exist until you obtain lawful permanent resident status;
5. You have been physically present in the United States for a continuous period beginning no later than December 31, 1995, and continuing until you obtain lawful permanent resident status; and
6. You are admissible to the United States or are eligible for a waiver of your inadmissibility or other form of relief.

**NOTE:** USCIS considers your physical presence to be “continuous” even if you were outside the United States for (1) any absences from the United States amounting to a total of 180 days or less; (2) any absences for which you received Advance Parole before departing and you returned according to the conditions listed on the Advance Parole document; or (3) any absences occurring after October 21, 1988, and before July 12, 1999, provided you departed before December 31, 1988.

### ***Bars to Adjustment and Grounds of Inadmissibility***

#### **Bars to Adjustment**

The adjustment bars listed in the **Who Is Not Eligible to Adjust Status?** section of the general instructions for Form I-485 do NOT apply to you.

However, if you are or were a J-1 or J-2 exchange visitor and are subject to the 2-year foreign residence requirement, you may not apply to adjust status unless you have complied with the foreign residence requirement, have been granted a waiver, or have received a Department of State recommendation for a waiver of the foreign residence requirement. See the Instructions for Form I-612, Application for Waiver of the Foreign Residence Requirement, for more information.

#### **Grounds of Inadmissibility**

If you are inadmissible to the United States, you may not adjust to lawful permanent resident status. You can find the grounds of inadmissibility listed in INA section 212(a) at [www.uscis.gov](http://www.uscis.gov).

If you are applying for lawful permanent resident status based on HRIFA, these grounds of inadmissibility do not apply to you:

1. INA section 212(a)(4) (public charge);
2. INA section 212(a)(5) (labor certification);
3. INA section 212(a)(6)(A)(i) (entry without inspection and admission or parole);
4. INA section 212(a)(7)(A) (documentation requirements); and
5. INA section 212(a)(9)(B) (unlawful presence).

If you are inadmissible based on other grounds listed in INA section 212(a), you may be eligible for a waiver or other form of relief. If your waiver application or other form of relief is granted, your application to adjust status may be approved.

You can learn more about waivers and other forms of relief by reading the instructions for Form I-601, Application for Waiver of Grounds of Inadmissibility.

### ***Evidence Checklist for HRIFA Dependents***

You must submit the following documentation with your application. The **What Evidence Must You Submit with This Application?** section of the general instructions for Form I-485 provides a detailed explanation of the required evidence.

#### **Dependent Spouse or Child**

- Photographs
- Copy of government-issued identity document with photograph
- Original birth certificate
- Copy of passport page with nonimmigrant visa (if applicable)
- Copy of passport page with admission or parole stamp (if applicable)
- Copy of Form I-94 Arrival-Departure Record or a copy of CBP admission or parole stamp on the travel document (if applicable)

**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/I94](http://www.cbp.gov/I94).

- Evidence of Haitian nationality (If you acquired Haitian nationality other than through birth in Haiti, provide a copy of the certificate of naturalization or certificate of citizenship issued by the Haitian government.)
- Copy of documentation showing your relationship to the principal HRIFA applicant (such as a marriage certificate, adoption decree, etc.)
- Approved Form I-246, Application for Stay of Removal, if you had a final order of exclusion, deportation, or removal
- Form I-693, Record of Medical Examination and Vaccination Record (You may also submit Form I-693 later or when USCIS asks you to submit it.)
- Certified police and court records of criminal charges, arrests, or convictions (if applicable)
- Waiver of inadmissibility or other form of relief (if applicable)
- Documentation of past or present J-1 or J-2 status (if applicable)

#### **Dependent Unmarried Son or Daughter**

- Photographs
- Copy of government-issued identity document with photograph
- Original birth certificate
- Copy of passport page with nonimmigrant visa (if applicable)
- Copy of passport page with admission or parole stamp (if applicable)
- Copy of Form I-94 Arrival-Departure Record or a copy of CBP admission or parole stamp on the travel document (if applicable)

**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/I94](http://www.cbp.gov/I94).

- Evidence of Haitian nationality (If you acquired Haitian nationality other than through birth in Haiti, provide a copy of the certificate of naturalization or certificate of citizenship issued by the Haitian government.)
- Copy of documentation showing your relationship to the principal HRIFA applicant (such as a marriage certificate, adoption decree, etc.)
- Evidence of physical presence in the United States starting no later than December 31, 1995
- Evidence of continuous residence in the United States starting from no later than December 31, 1995 to the present
- Statement that lists all departures from and arrivals in the United States since December 31, 1995
- Approved Form I-246, Application for Stay of Removal, if you had a final order of exclusion, deportation, or removal

- Form I-693, Record of Medical Examination and Vaccination Record (You may also submit Form I-693 later or when USCIS asks you to submit it.)
- Certified police and court records of criminal charges, arrests, or convictions (if applicable)
- Waiver of inadmissibility or other form of relief (if applicable)
- Documentation of past or present J-1 or J-2 status (if applicable)

## HRIFA Eligibility for Abused Spouses and Children

### *Eligibility*

You are eligible to apply to adjust to lawful permanent resident status based on being an abused spouse or child of a HRIFA-eligible spouse or parent if:

1. You are a Haitian national;
2. You are the spouse or child of a HRIFA-eligible spouse or parent;
3. You were subjected to battery or extreme cruelty by your HRIFA-eligible spouse or parent;
4. You are physically present in the United States at the time of filing your adjustment of status application;
5. The qualifying relationship to your HRIFA-eligible spouse or parent existed at the time your spouse or parent was eligible to apply for lawful permanent resident status; and
6. You are admissible to the United States or are eligible to file for a waiver of your inadmissibility or other form of relief.

**NOTE:** You are eligible to adjust as an abused spouse or child even if your principal HRIFA-eligible spouse or parent has not filed for adjustment of status.

**NOTE:** VAWA confidentiality provisions (8 U.S.C. 1367) apply to you as the abused spouse or child of a qualifying HRIFA principal.

### *Evidence of Battery or Extreme Cruelty*

Evidence of battery should show that your spouse or parent committed an intentional, non-consensual, harmful, or offensive physical act of violence towards you or your child. Some examples include, but are not limited to, rape, molestation, forced prostitution, punching, biting, kidnapping, kicking, choking, and sexual abuse.

Evidence of extreme cruelty should show that your spouse or parent committed non-physical acts of violence or threats of violence demonstrating a pattern or intent to attain compliance from or control over you. Some examples include, but are not limited to, controlling what you do and who you see and talk to; denying access to food, family, or medical treatment; threats of physical harm to you or your family; threats to commit suicide; or threats of deportation.

You must submit documentation demonstrating your HRIFA-eligible spouse or parent subjected you to battery or extreme cruelty during the qualifying relationship. Evidence may include:

1. Reports and affidavits from police, judges, or other court officials;
2. Copies of legal documents relating to orders of protection or other legal processes addressing the abuse;
3. Affidavits from persons who witnessed or have knowledge of the abusive acts;
4. Reports and affidavits from medical personnel, school officials, and clergy;
5. Reports and affidavits from social workers or other social service agency personnel;
6. Protection orders or proof of other legal steps you took to end the abuse;
7. Documentation to show you sought safe-haven in a family violence shelter or similar place; or
8. Photographs of injuries.

## ***Bars to Adjustment and Grounds of Inadmissibility***

### **Bars to Adjustment**

The adjustment bars listed in the **Who Is Not Eligible to Adjust Status?** section of the general instructions for Form I-485 do NOT apply to you.

However, if you are or were a J-1 or J-2 exchange visitor and are subject to the 2-year foreign residence requirement, you may not apply to adjust status unless you have complied with the foreign residence requirement, have been granted a waiver, or have received a Department of State recommendation for a waiver of the foreign residence requirement. See the Instructions for Form I-612, Application for Waiver of the Foreign Residence Requirement, for more information.

### **Grounds of Inadmissibility**

If you are inadmissible to the United States, you may not adjust to lawful permanent resident status. You can find the grounds of inadmissibility listed in INA section 212(a) at [www.uscis.gov](http://www.uscis.gov).

If you are applying for lawful permanent resident status based on HRIFA as an abused spouse or child, these grounds of inadmissibility do not apply to you:

1. INA section 212(a)(4) (public charge);
2. INA section 212(a)(5) (labor certification);
3. INA section 212(a)(6)(A)(i) (entry without inspection and admission or parole);
4. INA section 212(a)(7)(A) (documentation requirements); and
5. INA section 212(a)(9)(B) (unlawful presence).

If you are inadmissible based on other grounds listed in INA section 212(a), you may be eligible for a waiver or other form of relief. If your waiver application or other form of relief is granted, your application to adjust status may be approved.

You can learn more about waivers and other forms of relief by reading the instructions for Form I-601, Application for Waiver of Grounds of Inadmissibility.

## ***Evidence Checklist for Abused Spouses and Children Under HRIFA***

You must submit the following documentation with your application. The **What Evidence Must You Submit with This Application?** section of the general instructions for Form I-485 provides a detailed explanation of the required evidence.

- Photographs
- Copy of government-issued identity document with photograph
- Copy of birth certificate
- Copy of passport page with nonimmigrant visa (if applicable)
- Copy of passport page with admission or parole stamp (if applicable)
- Copy of Form I-94 Arrival-Departure Record or a copy of CBP admission or parole stamp on the travel document (if applicable)

**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/I94](http://www.cbp.gov/I94).

- Evidence of Haitian nationality (If you acquired Haitian nationality other than through birth in Haiti, a copy of the certificate of naturalization or certificate of citizenship issued by the Haitian government.)

- Copy of documentation showing your relationship to your HRIFA-eligible spouse or parent (such as a marriage certificate, adoption decree, etc.)
- Evidence of battery or extreme cruelty (See the **Evidence of Battery or Extreme Cruelty** section of these instructions.)
- Form I-693, Record of Medical Examination and Vaccination Record (You may also submit Form I-693 later or when USCIS asks you to submit it.)
- Certified police and court records of criminal charges, arrests, or convictions (if applicable)
- Waiver of inadmissibility or other form of relief (if applicable)
- Documentation of past or present J-1 or J-2 status (if applicable)

## Former Soviet Union and Indochinese Parolees (Lautenberg Parolees)

### Eligibility

You are eligible to apply to adjust to lawful permanent resident status based on being a former Soviet Union or Indochinese parolee if:

1. You are or were a national of:
  - A. The former Soviet Union (including nationals of any of the currently independent countries that formerly were members of the Union of Soviet Socialist Republics, as well as Estonia, Latvia, and Lithuania);
  - B. Vietnam;
  - C. Laos; or
  - D. Cambodia;
2. After being denied refugee status, you were inspected and paroled into the United States under the Lautenberg Amendment provisions before any sunset date (expiration date). For information on the sunset date, visit our USCIS website at <http://www.uscis.gov/green-card/other-ways-get-green-card/green-card-lautenberg-parolee>;
3. You have been physically present in the United States for one year or more after being paroled; and

You are admissible to the United States or are eligible for a waiver of your inadmissibility or other form of relief.

### Bars to Adjustment and Grounds of Inadmissibility

#### Bars to Adjustment

You can find the adjustment bars listed in the Who is Not Eligible to Adjust Status? section of the general instructions for Form I-485. If you are applying for adjustment of status based on being a Lautenberg parolee, the bars numbered 2 through 13 on that list do NOT apply to you.

However, if you are or were a J-1 or J-2 exchange visitor and are subject to the 2-year foreign residence requirement, you may not apply to adjust status unless you have complied with the foreign residence requirement, have been granted a waiver, or have received a Department of State recommendation for a waiver of the foreign residence requirement. See the Instructions for Form I-612, Application for Waiver of the Foreign Residence Requirement, for more information.

#### Grounds of Inadmissibility

If you are inadmissible to the United States, you may not adjust to lawful permanent resident status. You can find the grounds of inadmissibility listed in INA section 212(a) at [www.uscis.gov](http://www.uscis.gov).



If you are applying for lawful permanent resident status based on being a former Soviet Union or Indochinese parolee, these grounds of inadmissibility do not apply to you:

1. INA section 212(a)(4) (public charge);
2. INA section 212(a)(5) (labor certification); and
3. INA section 212(a)(7)(A) (documentation requirements).

If you are inadmissible based on other grounds listed in INA section 212(a), you may be eligible for a waiver or other form of relief. If your waiver application or other form of relief is granted, your application to adjust status may be approved.

You can learn more about waivers and other forms of relief by reading the instructions for Form I-601, Application for Waiver of Grounds of Inadmissibility, and Form I-212, Application for Permission to Reapply for Admission into the United States After Deportation or Removal.

### ***Evidence Checklist for Former Soviet Union and Indochinese Parolees***

You must submit the following documentation with your application. The **What Evidence Must You Submit with This Application?** section of the general instructions for Form I-485 provides a detailed explanation of the required evidence.

- Photographs
- Copy of government-issued identity document with photograph
- Copy of birth certificate
- Copy of passport page with parole stamp
- Copy of Form I-94 Arrival-Departure Record or a copy of CBP admission or parole stamp on the travel document (if applicable)

**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/194](http://www.cbp.gov/194).

- Evidence that you are or were a national of the former Soviet Union, Vietnam, Laos, or Cambodia, if not contained in the birth certificate
- Evidence of denied refugee status (if available)
- Form I-693, Report of Medical Examination and Vaccination Record, if your medical examination was not completed overseas or you had a Class A condition. Submit only the vaccination portion if your medical examination was completed overseas and you are applying for adjustment within two years of parole into the United States. (You also may submit Form I-693 later or when USCIS asks you to submit it.)
- Certified police and court records of criminal charges, arrests, or convictions (if applicable)
- Waiver of inadmissibility or other form of relief (if applicable)
- Documentation of past or present J-1 or J-2 status (if applicable)



**Diplomats or High Ranking Officials Unable To Return Home (Section 13 of the Act of September 11, 1957)**

***Eligibility***

You are eligible to apply to adjust to lawful permanent resident status based on Section 13 of the Act of September 11, 1957, if:

**Principal Applicant**

1. You were admitted to the United States as an A-1, A-2, G-1, or G-2 nonimmigrant;
2. You failed to maintain A-1, A-2, G-1, or G-2 nonimmigrant status;
3. You performed diplomatic or semi-diplomatic duties (custodial, clerical, or menial duties are not eligible);
4. There are compelling reasons why you or a member of your family is unable to return to the country represented by the government which accredited you;
5. Your adjustment to lawful permanent resident status would be in the national interest of the United States and not contrary to the national welfare, safety, or security of the United States;
6. You are a person of good moral character; and
7. You are admissible to the United States or are eligible for a waiver of your inadmissibility or other form of relief.

**Derivative Applicant (immediate family member)**

1. You were admitted to the United States as an A-1, A-2, G-1, or G-2 nonimmigrant;
2. You failed to maintain A-1, A-2, G-1, or G-2 nonimmigrant status;
3. Your adjustment to lawful permanent resident status would be in the national interest of the United States and not contrary to the national welfare, safety, or security of the United States;
4. You are a person of good moral character; and
5. You are admissible to the United States or are eligible for a waiver of your inadmissibility or other form of relief.

The U.S. Department of State's (DOS) definition of immediate family member is broader for A and G nonimmigrants than other nonimmigrant classifications. Immediate family members are described in 22 CFR 41.21(a)(3) as the spouse and unmarried sons and daughters, whether by blood or adoption, who are not members of some other household, and who will reside regularly in the household of the principal. Furthermore, immediate family members also include individuals who:

1. Are not members of some other household;
2. Will reside regularly in the principal applicant's household;
3. Are recognized by the sending government as immediate family members of the principal applicant as demonstrated by eligibility for rights and benefits, such as the issuance of a diplomatic or official passport, or travel or other allowances; and
4. Are individually authorized by DOS.

***Failing to Maintain Status***

If you were admitted to the United States as an A or G nonimmigrant, you will maintain an A or G nonimmigrant status as long as the U.S. Secretary of State recognizes you as being entitled to such status. Therefore, you maintain your status until DOS terminates your diplomatic status.

Foreign missions are required to submit Form DS-2008 (Notice of Termination of Diplomatic, Consular, or Foreign Government Employment) to DOS, without delay, when employees of foreign missions terminate their employment

status. DOS then is responsible for terminating an individual's diplomatic status and for determining the date of an individual's termination of status.

### ***DOS Consultation***

After your adjustment of status interview with USCIS, USCIS will consult with DOS. DOS will make a recommendation on the merits of your application. Once USCIS receives the recommendation, we will make a decision on your application.

### ***Fifty Section 13 Adjustments Per Year***

Because adjustments of status under Section 13 are limited to 50 per year, if you are eligible for adjustment of status in another immigrant category, you should apply under that category.

### ***Bars to Adjustment and Grounds of Inadmissibility***

#### **Bars to Adjustment**

You can find the adjustment bars listed in the Who is Not Eligible to Adjust Status? section of the general instructions for Form I-485. If you are applying for adjustment of status based on being a diplomat or high ranking official who is unable to return home the bars numbered 2 through 13 on that list do NOT apply to you.

However, if you are or were a J-1 or J-2 exchange visitor and are subject to the 2-year foreign residence requirement, you may not apply to adjust status unless you have complied with the foreign residence requirement, have been granted a waiver, or have received a Department of State recommendation for a waiver of the foreign residence requirement. See the Instructions for Form I-612, Application for Waiver of the Foreign Residence Requirement, for more information.

#### **Grounds of Inadmissibility**

If you are inadmissible to the United States, you may not adjust to lawful permanent resident status. You can find the grounds of inadmissibility listed in INA section 212(a) at [www.uscis.gov](http://www.uscis.gov).

If you are applying for lawful permanent resident status based on Section 13 of the Act of September 11, 1957, the INA section 212(a)(5) (labor certification) ground of inadmissibility does not apply to you.

If you are inadmissible based on other grounds listed in INA section 212(a), you may be eligible for a waiver or other form of relief. If your waiver application or other form of relief is granted, your application to adjust status may be approved.

You can learn more about waivers and other forms of relief by reading the instructions for Form I-601, Application for Waiver of Grounds of Inadmissibility, and Form I-212, Application for Permission to Reapply for Admission into the United States after Deportation or Removal.

### ***Evidence Checklist for Diplomats or High Ranking Officials Unable To Return Home***

You must submit the following documentation with your application. The **What Evidence Must You Submit with This Application?** section of the general instructions for Form I-485 provides a detailed explanation of the required evidence.

#### **Principal Applicant**

- Photographs
- Copy of government-issued identity document with photograph
- Copy of birth certificate
- Copy of passport page with nonimmigrant visa (if applicable)
- Copy of passport page with admission or parole stamp (if applicable)

- Copy of Form I-94 Arrival-Departure Record or a copy of CBP admission or parole stamp on the travel document (if applicable)

**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/I94](http://www.cbp.gov/I94).

- Evidence that you were admitted into the United States in A-1, A-2, G-1, or G-2 non-immigrant status
- Evidence you performed diplomatic or semi-diplomatic duties
- Evidence of compelling reasons why you or a member of your family is unable to return to the country represented by the government which accredited you
- Evidence establishing that granting your adjustment of status would be in the national interest of the United States
- Form I-508, Waiver of Rights, Privileges, Exemptions and Immunities under INA section 247(b) (and Form I-508F, if you are a French national)
- Completed Form I-566, Interagency Record of Request
- Form I-693, Record of Medical Examination and Vaccination Record (You may also submit Form I-693 later or when USCIS asks you to submit it.)
- Certified police and court records of criminal charges, arrests, or convictions (if applicable)
- Waiver of inadmissibility or other form of relief (if applicable)
- Documentation of past or present J-1 or J-2 status (if applicable)

**Derivative Applicant (immediate family member)**

- Photographs
- Copy of government-issued identity document with photograph
- Copy of birth certificate
- Copy of passport page with nonimmigrant visa (if applicable)
- Copy of passport page with admission or parole stamp (if applicable)
- Copy of Form I-94 Arrival-Departure Record or a copy of CBP admission or parole stamp on the travel document (if applicable)

**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/I94](http://www.cbp.gov/I94).

- Evidence that you were admitted into the United States in A-1, A-2, G-1, or G-2 non-immigrant status
- Copy of documentation showing your relationship to the Section 13 principal applicant (such as a marriage certificate, adoption decree, etc.)
- Evidence establishing that granting your adjustment of status would be in the national interest of the United States
- Form I-508, Waiver of Rights, Privileges, Exemptions and Immunities under INA section 247(b) (and Form I-508F, if you are a French national)
- Completed Form I-566, Interagency Record of Request
- Form I-693, Record of Medical Examination and Vaccination Record (You may also submit Form I-693 later or when USCIS asks you to submit it.)
- Certified police and court records of criminal charges, arrests, or convictions (if applicable)

- Waiver of inadmissibility or other form of relief (if applicable)
- Documentation of past or present J-1 or J-2 status (if applicable)

Pre-Decisional Deliberative Draft

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**Pre-Decisional Deliberative Draft**



## Additional Instructions for Additional Options for Lawful Permanent Resident Status Under a Special Program

Department of Homeland Security  
U.S. Citizenship and Immigration Services

USCIS  
Form I-485  
OMB No. 1615-0023  
Expires 06/30/2015

If you are filing Form I-485 in order to register lawful permanent residence or adjust status, you must read these additional instructions that apply to your specific immigrant category together with the general instructions for Form I-485, Application to Register Permanent Residence or Adjust Status.

### What Is the Purpose of These Additional Instructions?

These additional instructions provide guidance for filing an application for adjustment of status based on:

1. Diversity Visa Program;
2. Continuous Residence in the United States since before January 1, 1972 (“Registry”);
3. Individuals Born in Diplomatic Status in the United States;
4. Private Immigration Bill Signed Into Law; or
5. Other Eligibility.

### Diversity Visa Program

#### Eligibility

You are eligible to apply to adjust to lawful permanent resident status based on being a Diversity Visa (DV) lottery winner (also known as a “selectee”) if the following apply to you:

#### Principal Applicant

1. You were inspected and admitted or paroled into the United States;
2. You are physically present in the United States;
3. You are eligible to receive an immigrant visa because you are a DV lottery selectee;
4. An immigrant visa is immediately available to you at the time you file Form I-485 (See the **Visa Availability** section below); and
5. You are admissible to the United States or are eligible for a waiver of your inadmissibility or other form of relief.

#### Derivative Applicant (spouse or child of principal applicant)

1. You were inspected and admitted or paroled into the United States;
2. You are physically present in the United States;
3. You are eligible to receive an immigrant visa because you are currently the principal applicant’s spouse or child (unmarried and under 21 years of age) and:
  - A. You are filing Form I-485 together with the principal applicant’s Form I-485;
  - B. You are filing after the principal applicant filed a Form I-485 that remains pending a final decision by USCIS;
  - C. You are filing after USCIS approved the principal applicant’s Form I-485 (and the principal applicant is still a lawful permanent resident) and at the time of that approval, you were the principal applicant’s spouse or child; or



- D. You are filing your Form I-485 after the principal applicant obtained an immigrant visa and was admitted into the United States as a lawful permanent resident (and the principal applicant is still a lawful permanent resident), and at the time of that admission, you were the principal applicant's spouse or child;
4. An immigrant visa is immediately available to you at the time you file Form I-485 (See the **Visa Availability** section below);
5. You were listed on the Department of State (DOS) DV lottery entry if the relationship existed at the time the principal submitted the online DV lottery entry; and
6. You are admissible to the United States or are eligible for a waiver of your inadmissibility or other form of relief.

### ***DV Lottery Selectees***

In the DV lottery, a computer-generated, random drawing produces a list of winners (selectees) for each fiscal year. A fiscal year begins on October 1 of a calendar year and ends on September 30 of the following calendar year. For example, fiscal year 2013 began October 1, 2012, and ended September 30, 2013. All DV entrants, including those not selected, may check the status of their entries online through the DOS' electronic Entrant Status Check. Selectees receive instructions via the Entrant Status Check, Selection Letter.

### ***Visa Availability***

The DOS bases DV visa availability on a DV selectee's "rank number." When DOS notifies you that you are a DV selectee, it assigns you an individual DV rank number at the same time.

### ***DOS Visa Bulletin***

Every month, DOS publishes a Visa Bulletin. The Visa Bulletin includes two DV charts. The first chart provides DV availability for the current Visa Bulletin month. The second chart provides advance notification of DV availability for the following month. Visit the DOS website at <http://travel.state.gov/content/visas/english/law-and-policy/bulletin.html> to view the Visa Bulletin.

### ***DV Availability for the Current Visa Bulletin Month***

When DV visas are available, DOS will list a rank number in that month's Visa Bulletin. This rank number is called the "cut-off number."

If you have a DV rank number that is lower than the cut-off number posted in the Visa Bulletin for your geographic region, a visa is available for you. For example, if the cut-off number is 1,000 and your rank number is 999 or lower, there is a visa available for you.

### ***Early Filing Based on Advance Notification of DV Availability***

In each Visa Bulletin, DOS also publishes advance notification of the DV cut-off numbers for the following month. If you have a DV rank number lower than the cut-off number listed for the following month, you are eligible to file for adjustment of status. (For example, if it is currently January and the January Visa Bulletin shows that the cut-off number for February is 1,000, you may apply now if your DV rank number is 999 or lower.) You may only file when a future Visa Bulletin's advance notification section lists a cut-off number that is higher than yours.

Early filing provides U.S. Citizenship and Immigration Services (USCIS) with additional time to determine your eligibility for adjustment of status before the end of the fiscal year. However, USCIS will not make a final decision on your DV-based adjustment application until a visa is currently available for you.

### ***End of Fiscal Year Warning***

You and your dependents may only receive a DV through the end of the specific fiscal year for which you were selected. USCIS cannot approve any DV adjustment application after September 30 of the relevant fiscal year. Beginning October 1, USCIS must deny any DV adjustment application that remains pending from the prior fiscal year.

USCIS cannot guarantee that it will be able to adjudicate your application before the end of a fiscal year. Therefore, you are encouraged to file as soon as you are eligible.

### ***Bars to Adjustment and Grounds of Inadmissibility***

#### **Bars to Adjustment**

You are ineligible for adjustment of status if any of the bars to adjustment apply to you. You can find these bars listed in the **Who Is Not Eligible to Adjust Status?** section of the general instructions for Form I-485.

#### **Grounds of Inadmissibility**

If you are inadmissible to the United States, you may not adjust to lawful permanent resident status. You can find the grounds of inadmissibility listed in INA section 212(a) at [www.uscis.gov](http://www.uscis.gov).

If you are applying for lawful permanent residence based on being a DV selectee, the INA section 212(a)(5) (labor certification) ground of inadmissibility does not apply to you.

If you are inadmissible based on other grounds listed in INA section 212(a), you may be eligible for a waiver or other form of relief. If your waiver application or other form of relief is granted, your application to adjust status may be approved.

You can learn more about waivers and other forms of relief by reading the instructions for Form I-601, Application for Waiver of Grounds of Inadmissibility, and Form I-212, Application for Permission to Reapply for Admission into the United States After Deportation or Removal.

### ***Evidence Checklist for Diversity Visa Selectees***

You must submit the following documentation with your application. The **What Evidence Must You Submit with This Application?** section of the general instructions for Form I-485 provides a detailed explanation of the required evidence.

#### **Principal Applicants**

- Photographs
- Copy of government-issued identity document with photograph
- Copy of birth certificate
- Copy of passport page with nonimmigrant visa (if applicable)
- Copy of passport page with admission or parole stamp (if applicable)
- Copy of Form I-94 Arrival-Departure Record or a copy of CBP admission or parole stamp on the travel document (if applicable)

**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/I94](http://www.cbp.gov/I94).

- Evidence of continuously maintaining a lawful status since entry into the United States
- Form I-693, Record of Medical Examination and Vaccination Record (You may also submit the I-693 later or when USCIS asks you to submit it.)

- Copy of the your DOS Selection Letter for the DV lottery
- Copy of the receipt from DOS for the DV lottery processing fee
- If you were married or had natural born children, adopted children, or stepchildren when you entered the DV lottery for the current fiscal year, evidence that you included your spouse and all your children in your entry
- Evidence of either:
  1. A high school diploma or its equivalent (Successful completion of a 12-year course of elementary and secondary education in the United States or successful completion of a formal course of elementary and secondary education in another country that is comparable to a high school education in the United States. Only formal courses of study meet this requirement. Correspondence programs or equivalency certificates, such as the General Equivalency Diploma (GED), are not acceptable; or
  2. Two years of work experience within the past five years in an occupation requiring at least two years of training or experience
- Certified police and court records of criminal charges, arrests, or convictions (if applicable)
- Waiver of inadmissibility or other form of relief (if applicable)

**Derivative Applicant (spouse or child of principal applicant)**

- Photographs
- Copy of government-issued identity document with photograph
- Copy of birth certificate
- Copy of passport page with nonimmigrant visa (if applicable)
- Copy of passport page with admission or parole stamp (if applicable)
- Copy of Form I-94 Arrival-Departure Record or a copy of CBP admission or parole stamp on the travel document (if applicable)

**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP Web site at [www.cbp.gov/I94](http://www.cbp.gov/I94).

- Evidence of continuously maintaining a lawful status since entry into the United States
- Form I-693, Record of Medical Examination and Vaccination Record (You may also submit Form I-693 later or when USCIS asks you to submit it.)
- Copy of the principal applicant's DOS Selection Letter for the DV lottery
- Copy of the receipt from DOS for the DV lottery processing fee
- Copy of documentation showing your relationship to the principal applicant (such as a marriage certificate, adoption decree, etc.)
- Evidence that the principal DV adjustment applicant included his or her spouse and all natural born children, adopted children, and stepchildren in the online DV lottery entry with DOS, and proof that the relationship still exists
- Certified police and court records of criminal charges, arrests, or convictions (if applicable)
- Waiver of inadmissibility or other form of relief (if applicable)

**NOTE:** If the DV selectee becomes a spouse or parent (whether of a natural, adopted or stepchild) *after* submitting the qualifying online DV lottery entry, the spouse and children are eligible for dependent status for immigration purposes. However, the qualifying marriage, birth, or adoption must occur before the DV selectee becomes a lawful permanent resident. If the qualifying marriage, birth, or adoption occurs after the DV selectee becomes a lawful permanent resident, then the DV selectee may petition for eligible family members in an appropriate family-based category.

## Continuous Residence in the United States Since Before January 1, 1972 (“Registry”)

### Eligibility

You are eligible to apply for Registry if the following apply to you:

#### Principal Applicant

1. You entered (any type of entry) the United States prior to January 1, 1972;
2. You have maintained continuous residence in the United States since your entry;
3. You are not ineligible for U.S. citizenship;
4. You are not deportable under terrorist-related grounds (INA section 237(a)(4)(B));
5. You are a person of good moral character;
6. You are not inadmissible under INA sections 212(a)(2)(C), 212(a)(2)(G), 212(a)(2)(H), 212(a)(2)(I), 212(a)(3), 212(a)(6)(E), or 212(a)(8); and
7. You were inadmissible under INA sections 212(a)(2)(A)(i)(I), 212(a)(2)(A)(i)(II), 212(a)(2)(B), 212(a)(2)(D), 212(a)(2)(E), but a waiver was granted.

#### Derivative Applicant

There is no derivative status for the spouse and children of an individual granted lawful permanent residence through registry. Once you become a lawful permanent resident, you may petition for eligible family members in an appropriate family-based category.

### Establishing Continuous Residence

You may establish that you entered the United States prior to January 1, 1972, and have maintained continuous U.S. residence since then even if you have made numerous brief departures from the United States. You can establish continuous residence by submitting documents covering the period of time since your claimed date of entry.

#### Documents

You may submit as many documents as necessary to establish continuous residence in the United States. Examples of the types of evidence you may submit include:

1. Copy of passport pages with nonimmigrant visa, admission, or parole stamps;
2. Form I-94 Arrival-Departure Record;

**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/i94](http://www.cbp.gov/i94) according to the instructions provided by CBP at the time of admission.

3. Income tax records;
4. Mortgage deeds or leases;
5. Insurance premiums and policies;
6. Birth, marriage, and death certificates of immediate family members;
7. Medical records;
8. Bank records;
9. School records;

10. All types of receipts that contain identifying information about you;
11. Census records;
12. Social Security records;
13. Newspaper articles concerning you;
14. Employment records;
15. Military records;
16. Draft records;
17. Car registrations;
18. Union membership records; and
19. Affidavits from credible witnesses having a personal knowledge of your residence in the United States, submitted with the witness' contact information.

Although you may submit affidavits, you should provide some type of additional evidence to support the application. Additionally, affidavits must be convincing and verifiable and the witnesses who provide the affidavits must be credible.

### ***Bars to Adjustment and Grounds of Inadmissibility***

#### **Bars to Adjustment**

The adjustment bars listed in the **Who Is Not Eligible to Adjust Status?** section of the general instructions for Form I-485 do NOT apply to you.

However, if you are or were a J-1 or J-2 exchange visitor and are subject to the 2-year foreign residence requirement, you may not apply to adjust status unless you have complied with the foreign residence requirement, have been granted a waiver, or received a Department of State recommendation for a waiver of the foreign residence requirement. See the Instructions for Form I-612, Application for Waiver of the Foreign Residence Requirement, for more information.

#### **Grounds of Ineligibility**

Admissibility is not a requirement for Registry. However, certain grounds of inadmissibility can make you ineligible for Registry.

If you are applying for Registry, the following grounds of inadmissibility do not apply to you:

1. INA section 212(a)(1) (health-related grounds);
2. INA section 212(a)(4) (public charge);
3. INA section 212(a)(5) (labor certification);
4. INA section 212(a)(6)(A), (D), (F), and (G) (illegal entrants and immigration violators);
5. INA section 212(a)(7) (documentation requirements);
6. INA section 212(a)(9) (aliens previously removed); and
7. INA section 212(a)(10) (miscellaneous).

If you are ineligible for Registry based on a ground of inadmissibility listed in INA section 212(a), you may be eligible for a waiver or other form of relief. If your waiver application or other form of relief is granted, your application for Registry may be approved.

You can learn more about waivers and other forms of relief by reading the instructions for Form I-601, Application for Waiver of Grounds of Inadmissibility.

### ***Evidence Checklist for Registry Applicants***

You must submit the following documentation with your application. The **What Evidence Must You Submit with This Application?** section of the general instructions for Form I-485 provides a detailed explanation of the required evidence.

- Photographs
- Copy of government-issued identity document with photograph
- Copy of birth certificate
- Evidence you entered the United States before January 1, 1972 (The applicant may show evidence of entry by submitting at least one document showing presence in the United States before to January 1, 1972. You may submit as many documents as necessary.)
- Evidence establishing continuous residence since entry (see information above)
- Certified police and court records of criminal charges, arrests, or convictions (if applicable)
- Waiver of inadmissibility or other form of relief (if applicable)

### **Individual Born Under Diplomatic Status in the United States**

#### ***Eligibility***

If you were born in the United States to a foreign diplomatic officer accredited to the United States, international law states that you are not subject to the jurisdiction of the United States. You also are not a U.S. citizen under the Fourteenth Amendment to the Constitution. However, you may be considered a lawful permanent resident at birth.

You are eligible to apply for creation of a record of lawful permanent residence if the following apply to you:

1. You were born in the United States;
2. At the time of your birth, your parents were foreign nationals and at least one parent was a foreign diplomatic officer with full diplomatic immunity accredited by DOS;
3. You have not abandoned your residence in the United States; and
4. You have waived any diplomatic immunity to which you are or were entitled.

**NOTE:** If you are under eighteen years of age, your parent or legal guardian must prepare and sign the application on your behalf.

**NOTE:** A lawful permanent resident cannot be immune to the laws of the United States. Therefore, if you apply to register lawful permanent residence, you must complete and sign a Waiver of Rights, Privileges, Exemptions, and Immunities (See Form I-508 at [www.uscis.gov/i-508](http://www.uscis.gov/i-508) and I-508F at [www.uscis.gov/i-508f](http://www.uscis.gov/i-508f) for French nationals on the **Evidence Checklist** below).

#### ***Parent with Full Diplomatic Immunity at the Time of Applicant's Birth***

Diplomats accredited to the United States who have full diplomatic immunity are listed on the DOS' Diplomatic List ("Blue List") at <http://www.state.gov/s/cpr/rls/dpl/>. It includes ambassadors, ministers, charges d'affaires, counselors, secretaries and attaches of embassies and legations, as well as members of the Delegation of the Commission of the European Communities. The term also includes individuals with comparable diplomatic status and immunities who are accredited to the United Nations or to the Organization of American States, and other individuals who are also accorded comparable diplomatic status.

If your parent was listed on the DOS' Diplomatic List at the time you were born in the United States, you are eligible to apply to register lawful permanent residence. Both parents do not have to be listed on the DOS's Diplomatic List.



However, if one of your parents was a U.S. citizen at the time of your birth, then you are already a U.S. citizen from birth and do not need to file this application.

### ***You Have Not Abandoned Your Residence in the United States***

You must establish that you have not abandoned your residence in the United States. One of the tests for whether you retained lawful permanent resident status is your continuous residence in the United States.

#### **Establishing Continuous Residence**

You may establish continuous residence in the United States since entry even if you have made numerous brief departures from the United States.

#### **Documents**

You may submit as many documents as necessary to establish continuous residence in the United States. Examples of the types of evidence you may submit include:

1. Copy of passport pages with nonimmigrant visa, admission, or parole stamps;
2. Form I-94 Arrival-Departure Record;

**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/I94](http://www.cbp.gov/I94).

3. Income tax records;
4. Mortgage deeds or leases;
5. Insurance premiums and policies;
6. Birth, marriage, and death certificates of immediate family members;
7. Medical records;
8. Bank records;
9. School records;
10. All types of receipts that contain identifying information about you;
11. Census records;
12. Social Security records;
13. Newspaper articles concerning you;
14. Employment records;
15. Military records;
16. Draft records;
17. Car registrations;
18. Union membership records; and
19. Affidavits from credible witnesses having a personal knowledge of your residence in the United States, submitted with the witness' contact information.

Although you may submit affidavits, you should provide some type of additional evidence to support the application. Additionally, affidavits must be convincing and verifiable and the witnesses who provide the affidavits must be credible.

## ***Bars to Adjustment and Grounds of Inadmissibility***

### **Bars to Adjustment**

The adjustment bars listed in the **Who Is Not Eligible to Adjust Status?** section of the instructions for Form I-485 do NOT apply to you.

However, if you are or were a J-1 or J-2 exchange visitor and are subject to the 2-year foreign residence requirement, you may not apply to adjust status unless you have complied with the foreign residence requirement, have been granted a waiver, or received a Department of State recommendation for a waiver of the foreign residence requirement. See the Instructions for Form I-612, Application for Waiver of the Foreign Residence Requirement, for more information.

### **Grounds of Inadmissibility**

The grounds of inadmissibility listed in INA section 212(a) at [www.uscis.gov](http://www.uscis.gov) do not apply to your application to register lawful permanent residence.

## ***Evidence Checklist for Individuals Born Under Diplomatic Status in the United States***

You must submit the following documentation with your application. The **What Evidence Must You Submit with This Application?** section of the general instructions for Form I-485 provides a detailed explanation of the required evidence.

- Photographs
- Copy of government-issued identity document with photograph
- Copy of birth certificate
- Form I-508, Waiver of Rights, Privileges, Exemptions and Immunities under INA section 247(b) (and Form I-508F, if you are a French national)
- Official confirmation of the diplomatic classification and occupational title of your parent at the time of your birth
- A list of all the your arrivals in and departures from the United States
- Proof of your continuous residence in the United States

## **Private Immigration Bill Signed Into Law**

### ***Eligibility***

If a private bill does not directly grant you lawful permanent resident status, it may allow for you to apply to register or adjust to lawful permanent resident status.

## ***Bars to Adjustment and Grounds of Inadmissibility***

See the private immigration bill to determine whether any bars to adjustment or grounds of inadmissibility apply to you.

## ***Evidence Checklist for Applications Based on Private Immigration Bills***

You must submit the following documentation with your application. The **What Evidence Must You Submit with This Application?** section in the general instructions for Form I-485 provides a detailed explanation of the required evidence.

- Photographs
- Copy of government-issued identity document with photograph
- Copy of birth certificate

- Copy of passport page with nonimmigrant visa (if applicable)
- Copy of passport page with admission or parole stamp (if applicable)
- Copy of Form I-94 Arrival-Departure Record or a copy of CBP admission or parole stamp on the travel document (if applicable)

**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/I94](http://www.cbp.gov/I94).

- Form I-693, Record of Medical Examination and Vaccination Record (if applicable) (You may also submit Form I-693 later or when USCIS asks you to submit it.)
- Copy of your private bill that was passed into law
- Any additional evidence required by the private bill
- Waiver of inadmissibility or other form of relief (if applicable)

## Other Eligibility

### *Eligibility*

These instructions, the additional instructions in this Instruction Booklet, and the general instructions for Form I-485 describe the usual bases for applying to register or to adjust to lawful permanent resident status. However, you may be eligible to apply to register or adjust to lawful permanent resident status if you have another basis available to you. To determine whether you are eligible to register or adjust status, consult the public law, regulation, or USCIS policy that corresponds to your basis for applying.

### *Bars To Adjustment And Grounds Of Inadmissibility*

Review your eligibility category and any corresponding law, regulation, or policy that pertains to your basis for applying in order to determine whether any bars to adjustment and grounds of inadmissibility apply to you.

### *Evidence Checklist for Applications Based on Other Eligibility*

You must submit the following documentation with your application. The **What Evidence Must You Submit with This Application?** section in the instructions for Form I-485 provides a detailed explanation of the required evidence.

- Photographs
- Copy of government-issued identity document with photograph
- Copy of birth certificate
- Copy of passport page with nonimmigrant visa (if applicable)
- Copy of passport page with admission or parole stamp (if applicable)
- Copy of Form I-94 Arrival-Departure Record or a copy of CBP admission or parole stamp on the travel document (if applicable)

**NOTE:** The Form I-94 number is on the Form I-94 Arrival-Departure Record and is sometimes noted as the Departure Number. If U.S. Customs and Border Protection (CBP) provided you with an electronic Form I-94 upon arrival/admission to the United States, you may print out a paper version of the Form I-94 from the CBP website at [www.cbp.gov/I94](http://www.cbp.gov/I94).

- Form I-693, Record of Medical Examination and Vaccination Record (You may also submit Form I-693 later or when USCIS asks you to submit it.) (if applicable)
- Any other additional evidence required to establish eligibility (This information may be found in a Public Law, regulation, or USCIS policy that corresponds to your basis for applying.)
- Certified police and court records of criminal charges, arrests, or convictions (if applicable)
- Waiver of inadmissibility or other form of relief (if applicable)

Pre-Decisional Deliberative Draft



# Instructions for Supplement A, Adjustment of Status to Permanent Resident Under INA Section 245(i)

Department of Homeland Security  
U.S. Citizenship and Immigration Services

USCIS  
Form I-485A  
OMB No. 1615-0023  
Expires 06/30/2015

If you are filing Form I-485 Supplement A, Adjustment of Status to Permanent Resident Under INA Section 245(i) (Supplement A), together with Form I-485, Application to Register Permanent Residence or Adjust Status, in order to apply for lawful permanent residence under the Immigration and Nationality Act (INA) section 245(i), you must read these Supplement A Instructions, the Form I-485 Instructions, and the **Additional Instructions** in this **Instruction Booklet** that relate to your family-based, employment-based, special immigrant, or Diversity Visa immigrant category.

## What Is the Purpose of Supplement A?

If you are disqualified from adjusting status under INA section 245(a), you may be eligible to adjust status under INA section 245(i). You should use Supplement A if you seek to adjust status under INA section 245(i).

You cannot adjust status based on filing Supplement A alone. You must also file Form I-485 and be eligible for a visa under a family-based, employment-based, special immigrant, or Diversity Visa immigrant category. Supplement A and Form I-485 are used to determine whether you qualify for INA section 245(i) adjustment.

## Who May File to Adjust Status Under INA Section 245(i) Using Supplement A?

Use Supplement A **only** if you are applying to adjust status under INA section 245(i). You may file Supplement A if:

1. You are filing your Form I-485 at the same time; or
2. You previously filed your Form I-485 and it remains pending.

You may file Supplement A **only** if:

### 1. ALL of the following apply to you:

- A. You are physically present in the United States;
- B. You are eligible to receive an immigrant visa because you are the current beneficiary of an immigrant petition or you were selected for a Diversity Visa for the current fiscal year (or because you are that person's spouse or child as described in **Item 2.E.** below);
- C. An immigrant visa is immediately available to you at the time you file your application;

**NOTE:** Visit the Visa Availability and Priority Dates Web site at [www.uscis.gov/green-card/green-card-processes-and-procedures/visa-availability-priority-dates](http://www.uscis.gov/green-card/green-card-processes-and-procedures/visa-availability-priority-dates) to determine whether an immigrant visa is immediately available.

- D. You are admissible to the United States for lawful permanent residence or eligible for a waiver of inadmissibility or other form of relief; and

- E. You are paying a **\$1,000** filing fee, unless exempt (see the **What is the Filing Fee** section of these Instructions);

**AND**

### 2. ONE of the following applies to you:

- A. You are or were the **principal beneficiary** of an immigrant petition or application for permanent labor certification properly filed on or before January 14, 1998, which was approvable when filed;
- B. You are or were the **principal beneficiary** of an immigrant petition or application for permanent labor certification properly filed on or after January 15, 1998, but on or before April 30, 2001, which was approvable when filed **and** you were physically present in the United States on December 21, 2000;

- C. You are or were the **derivative beneficiary** of an immigrant petition or application for permanent labor certification properly filed on or before January 14, 1998, which was approvable when filed;
- D. You are or were the **derivative beneficiary** of an immigrant petition or application for permanent labor certification properly filed on or after January 15, 1998, but on or before April 30, 2001, which was approvable when filed **and** the principal beneficiary was physically present in the United States on December 21, 2000; or
- E. You are currently **the spouse or child (unmarried and under 21 years of age)** eligible to accompany or follow-to-join a principal or derivative beneficiary described in **Items A. - D.** above.

“**Properly filed**” and “**approvable when filed**” are explained in the **What Evidence Should You Submit** section of the Instructions.

If you qualify to file under INA section 245(i) because you are the current spouse or child (unmarried and under 21 years of age) eligible to accompany or follow-to-join a principal applicant for adjustment of status under INA section 245(i), you must file Form I-485:

- A. At the same time as the principal applicant files Form I-485;
- B. After the principal applicant filed a Form I-485 that remains pending a final decision by U.S. Citizenship and Immigration Services (USCIS); or
- C. After the principal applicant was granted lawful permanent residence under INA section 245(i) (and the principal applicant is still a lawful permanent resident) and at the time of that approval, you were the principal applicant’s spouse or child.

## Bars to Adjustment and Grounds of Inadmissibility

### Bars to Adjustment

In general, you are not eligible for adjustment of status based on INA section 245(a) if any of the adjustment bars apply to you. If you are adjusting under INA section 245(i), you are exempt from the following adjustment bars:

1. You last entered the United States without being admitted or paroled after inspection by an immigration officer;
2. You last entered the United States as a nonimmigrant crewman;
3. You are now employed or have ever been employed in the United States without authorization;
4. You are not in lawful immigration status on the date of filing your application for adjustment of status;
5. You have ever failed to continuously maintain a lawful status since entry into the United States, unless your failure to maintain status was through no fault of your own or for technical reasons;
6. You were last admitted to the United States in transit without a visa;
7. You were last admitted to the United States as a nonimmigrant visitor without a visa, under the Guam and Commonwealth of the Northern Mariana Islands Visa Waiver Program, and you are not a Canadian citizen;
8. You were last admitted to the United States as a nonimmigrant visitor without a visa under the Visa Waiver Program (see <http://travel.state.gov/content/visas/english/visit/visa-waiver-program.html>);
9. You are seeking employment-based adjustment of status, and you are not maintaining a lawful nonimmigrant status on the date of filing your application for adjustment of status; or
10. You have ever violated the terms of your nonimmigrant status.

Consult the **Additional Instructions** in this **Instruction Booklet** that relate to your family-based, employment-based, special immigrant, or Diversity Visa immigrant category to determine whether any of the adjustment bars listed above apply to you. If no adjustment bars apply to you, you do not need to file Supplement A.



## Grounds of Inadmissibility

If you are inadmissible to the United States, you may not adjust to lawful permanent resident status. You can find the grounds of inadmissibility listed in INA section 212(a) at [www.uscis.gov](http://www.uscis.gov).

If you are inadmissible, you may be eligible for a waiver or other form of relief. If your waiver application or other form of relief is granted, USCIS may approve your application to adjust status.

You can learn more about waivers and other forms of relief by reading the Instructions for Form I-601, Application for Waiver of Grounds of Inadmissibility, at [www.uscis.gov/I-601](http://www.uscis.gov/I-601) and Form I-212, Application for Permission to Reapply for Admission into the United States After Deportation or Removal, at [www.uscis.gov/I-212](http://www.uscis.gov/I-212).

## What Immigrant Petitions and Permanent Labor Certification Applications Qualify Under INA Section 245(i)?

You may use one of the following petitions and applications to qualify under INA section 245(i), if it was **properly filed** and **approvable when filed** on or before April 30, 2001:

1. Form I-130, Petition for Alien Relative;
2. Form I-140, Immigrant Petition for Alien Worker;
3. Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant (including VAWA self-petitioners); and
4. Form I-526, Immigrant Petition **by** Alien Entrepreneur; or
5. Form ETA-750, Application for Alien Employment Certification, Parts A and B.

**NOTE:** If you use one of the petitions listed above to qualify to apply under INA section 245(i), you may be able to use the same **petition** to establish eligibility for an immigrant visa or you may establish eligibility for an immigrant visa based on another petition, or on being selected for a Diversity Visa for the current fiscal year.

## What Evidence Must You Submit to Establish Your Eligibility for Adjustment of Status under INA Section 245(i)?

You must submit all evidence requested in these Instructions with your supplement. If you fail to submit required evidence, USCIS may reject or deny your supplement for failure to submit requested evidence or supporting documents in accordance with 8 CFR 103.2(b)(1) and these Instructions.

You must submit documentation to prove **Items 1. - 5.** below.

1. You:
  - A. Are or were the **principal beneficiary** of an immigrant petition or application for permanent labor certification that was **properly filed** on or before April 30, 2001, and which was **approvable when filed**;
  - B. Are or were a **derivative beneficiary** (the principal beneficiary's spouse or unmarried child under 21 years of age at the time the qualifying petition or application was filed) of an immigrant petition or application for permanent labor certification that was **properly filed** on or before April 30, 2001, and which was approvable when filed; or
  - C. Are currently **the spouse or an unmarried child under 21 years of age** who is eligible to accompany or follow-to-join a principal or derivative beneficiary described in **Items A.** or **B.** above, and the principal or derivative beneficiary is currently applying for, or was granted adjustment of status under INA section 245(i).

**Documentation.** To prove the existence of a qualifying petition or application, submit an official document showing either:

- A. The filing or approval of the immigrant petition (Form I-797, Notice of Action), which contains the principal beneficiary's name; or
- B. The filing or approval of the permanent labor certification application (Form ETA-750), which contains the principal beneficiary's name.

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If you qualify to apply for adjustment of status under INA section 245(i) because you are or were a derivative beneficiary of a qualifying petition or application, you must prove the required relationship to the principal beneficiary by submitting a marriage certificate (for spouse) or birth certificate (for child). This evidence must show that the claimed relationship existed at the time the qualifying petition or application was **properly filed**. You do not need to show that the relationship still exists.

If you qualify to apply for adjustment of status under INA section 245(i) because you are the current spouse or an unmarried child under 21 years of age of a person who is or was the principal or derivative beneficiary of a qualifying petition or application, you must submit evidence of your current relationship to the principal applicant.

2. The qualifying immigrant petition or application for permanent labor certification was **properly filed**.

An immigrant petition is considered **properly filed** if the:

- A. **Petitioner properly** signed the petition;
- B. **Petitioner** submitted the correct filing fee; and
- C. Petition was physically received at a designated USCIS office (then known as the Immigration and Naturalization Service (INS)) on or before April 30, 2001, or was mailed with a postmark on or before April 30, 2001 (regardless of when INS received it).

A permanent labor certification application is considered **properly filed** if the U.S. Department of Labor (or a designated state workforce agency) accepted the application on or before April 30, 2001, under applicable federal regulations at the time.

**Documentation.** To show that your immigrant petition or permanent labor certification application was properly filed, you must submit either:

- A. Form I-797 showing a qualifying date of filing. (Form I-797 showing a filing date indicates the Government accepted the petition and implies that the Government determined the petition was signed and submitted with the appropriate filing fee); or
- B. Form ETA-750 bearing a state workforce agency's date stamp, an agency letter, or other document specifying the date of receipt/filing.

3. The qualifying petition or application was **approvable when filed**.

An immigrant petition is considered **approvable when filed** if:

- A. The petition was **properly filed**;
- B. At the time of filing, the beneficiary was eligible for the particular immigrant classification being sought (also referred to as being meritorious in fact and not frivolous, "frivolous" meaning patently without substance); and
- C. There is otherwise no evidence of fraud.

An application for permanent labor certification is considered **approvable when filed** if:

- A. The application was **properly filed**;
- B. The sponsoring employer had a bona fide employment relationship with the beneficiary or the employer had the ability to hire the beneficiary (also referred to as being meritorious in fact and not frivolous, "frivolous" meaning patently without substance); and
- C. There is otherwise no evidence of fraud.

**Documentation.** Unless contradictory evidence exists, a final decision approving the required petition or application shows that the petition or application was **approvable when filed**. Such an approval consists of either:

- A. An INS approval notice (on Form I-797) for the immigrant petition, or
- B. A U.S. Department of Labor certification stamp (on Form ETA-750) for the permanent labor certification application.

Absent an approved petition or application, you may submit any relevant evidence to show the petition or application was properly filed and approvable when filed. USCIS makes this determination based on the circumstances that existed at the time the qualifying petition or application was filed. A petition or application that was approvable when filed but was later withdrawn, denied, or revoked due to circumstances that arose after the time of filing may still qualify you for INA section 245(i) adjustment if you are otherwise eligible.

4. The principal beneficiary of the qualifying petition or application was physically present in the United States on December 21, 2000 (if applicable).

If you qualify to apply for adjustment of status under INA section 245(i) based on an immigrant petition or application for permanent labor certification filed on or after January 15, 1998, you must prove that the principal beneficiary of that petition or application was physically present in the United States on December 21, 2000.

**Documentation.** In some cases, a single document may suffice to prove physical presence, but often you will need to submit several documents. USCIS will ordinarily place the greatest weight on government-issued documents. The following list gives examples of documents that you may submit as evidence of physical presence:

- A. Form I-94 Arrival-Departure Record, the nonimmigrant visa page of the principal beneficiary's passport, Form I-512L, or other U.S. Government-issued document showing admission or parole into the United States after inspection by an immigration officer;
- B. A Notice to Appear in Immigration Court;
- C. Official correspondence or other notices from a U.S. Government agency;
- D. A state driver's license;
- E. Income tax or property tax records, returns, or payments;
- F. School or college transcripts and records;
- G. Hospital or doctor's records;
- H. Lease agreements and rental receipts;
- I. Utility bill receipts;
- J. Employment records, such as payroll statements or pay stubs; or
- K. Bank and credit card statements and records.

**NOTE:** If you submit a personal affidavit attesting to physical presence, you must also submit other supporting documentation. USCIS will evaluate all documentation on a case-by-case basis.

If you qualify to apply for adjustment of status under INA section 245(i) based on an immigrant petition or application for permanent labor certification filed on or before January 14, 1998, you do **NOT** need to submit any evidence of physical presence.

## General Instructions

USCIS provides forms free of charge through the USCIS Web site. In order to view, print, or fill out our forms, you should use the latest version of Adobe Reader, which you can download for free at <http://get.adobe.com/reader/>. If you do not have Internet access, you may call the USCIS National Customer Service Center at 1-800-375-5283 and ask that we mail a form to you. For TTY (deaf or hard of hearing) call: 1-800-767-1833.

**Signature.** Each supplement must be properly signed and filed. For all signatures on this supplement, USCIS will not accept a stamped or typewritten name in place of a signature. If you are under 14 years of age, your parent or legal guardian may sign the supplement on your behalf. A legal guardian may also sign for a mentally incompetent person.

**Filing Fee.** Each supplement must be accompanied by the appropriate filing fee. (See the **What Is the Filing Fee** section of these Instructions.)

**Evidence.** At the time of filing, you must submit all evidence and supporting documentation listed in the **What Evidence Should You Submit to Establish Your Eligibility for Adjustment of Status under INA Section 245(i)** section of these Instructions.

**Copies.** You may submit legible photocopies of documents requested, unless the Instructions specifically state that you must submit an original document. USCIS may request an original document at the time of filing or at any time during processing of an application, petition, or request. If you submit original documents when not required, the documents may remain a part of the record, and USCIS or the Immigration Court will not automatically return them to you.

**Translations.** If you submit a document with information in a foreign language, you must also submit a full English translation. The translator must sign a certification that the English language translation is complete and accurate, and that he or she is competent to translate from the foreign language into English.

## How To Fill Out Supplement A

1. Type or print legibly in black ink.
2. If you need extra space to complete any item within this supplement, attach a separate sheet of paper; type or print your name and Alien Registration Number (A-Number) (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.
3. Answer all questions fully and accurately. If a question does not apply to you (for example, if you have never been married and the question asks “Provide the name of your current spouse”), type or print “N/A,” unless otherwise directed. If your answer to a question which requires a numeric response is zero or none (for example, “How many children do you have” or “How many times have you departed the United States”), type or print “None,” unless otherwise directed.
4. **USCIS ELIS Account Number** (if any). If you have previously filed an application, petition, or request using the USCIS Electronic Immigration System (USCIS ELIS), provide the USCIS ELIS Account Number you were issued by the system. The USCIS ELIS Account Number is **not** the same as an Alien Registration Number (A-Number). If you were issued a USCIS ELIS Account Number, enter it in the space provided.
5. **Immigrant Category for Adjustment of Status.** When you filed your Form I-485, you selected an immigrant category in **Part 2**, **Item Number 1**, as the basis of your eligibility to adjust status. Insert the full title of that immigrant category in Supplement A in **Part 2**, **Item Number 3**.
6. **Part 4. Applicant’s Statement, Contact Information, Certification, and Signature.** Select the appropriate box to indicate that you either read this supplement yourself or someone interpreted this supplement for you from English to a language in which you are fluent. If applicable, select the box to indicate if someone prepared this supplement for you. Further, you must sign and date your supplement and provide your daytime telephone number, mobile telephone number (if any), and email address (if any). Every supplement **MUST** contain the signature of the applicant (or parent or legal guardian, if applicable). A stamped or typewritten name in place of a signature is not acceptable.
7. **Part 5. Interpreter’s Contact Information, Certification, and Signature.** If you used anyone as an interpreter to read the instructions and questions on this supplement to you in a language in which you are fluent, the interpreter must fill out this section, provide his or her name, the name and address of his or her business or organization (if any), his or her daytime telephone number, and his or her email address (if any). The interpreter must sign and date the supplement.
8. **Part 6. Contact Information, Statement, Certification, and Signature of the Person Preparing this Supplement, If Other Than the Applicant.** This section must contain the signature of the person who completed your supplement, if other than you, the applicant. If the same individual acted as your interpreter and your preparer, that person should complete both **Part 5**, and **Part 6**. If the person who completed this supplement is associated with a business or organization, that person should complete the business or organization name and address information. Anyone who helped you prepare this supplement **MUST** sign and date the supplement. A stamped or typewritten name in place of a signature is not acceptable. If the person who helped you prepare your supplement is an attorney or accredited representative, he or she must also submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, along with your supplement, if his or her representation extends beyond preparation of this supplement.

**We recommend that you print or save a copy of your completed supplement to review in the future and for your records.**

## What Is the Filing Fee?

The filing fee for Supplement A is **\$1,000**. USCIS cannot waive the filing fee.

You may file Supplement A and its **\$1,000** filing fee together with Form I-485 and its applicable fees. If you **previously** filed Form I-485 and it remains pending, attach a **copy of your filing receipt** and pay only the **\$1,000** Supplement A filing fee.

**NOTE:** The filing fee is not refundable, regardless of any action USCIS takes on this supplement. **DO NOT MAIL CASH.** You must submit all fees in the exact amount.

**You do NOT need to pay the Supplement A \$1,000 filing fee if at the time of filing you are:**

1. Under 17 years of age; or
2. The spouse or child (unmarried and under 21 years of age) of a legalized alien, and have attached a copy of a USCIS receipt or approval notice for a properly filed Form I-817, Application for Family Unity Benefits.

**Use the following guidelines when you prepare your check or money order for the Supplement A filing fee:**

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**.

**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, USCIS will convert it 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 your bank will show it on your regular account statement.

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

### How to Check If the Fees Are Correct

Supplement A's filing fee is current as of the edition date in the lower left corner of this page. However, because USCIS fees change periodically, you can verify that the fee is correct by following one of the steps below:

1. Visit the USCIS Web site at [www.uscis.gov](http://www.uscis.gov), select “FORMS,” and check the appropriate fee; or
2. Call the USCIS National Customer Service Center at **1-800-375-5283** and ask for the fee information. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

## Where to File?

Please see our Web site at [www.uscis.gov/I-485](http://www.uscis.gov/I-485) or call our National Customer Service Center at **1-800-375-5283** for the most current information about where to file this supplement. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

If you are in proceedings in Immigration Court (that is, if you were served with Form I-221, Order to Show Cause and Notice of Hearing; Form I-122, Notice to Applicant for Admission Detained for Hearing Before an Immigration Judge; Form I-862, Notice to Appear; or Form I-863, Notice of Referral to Immigration Judge, that the Department of Homeland Security (DHS) filed with the Immigration Court), you should file this supplement with the appropriate Immigration Court. The DHS attorney will provide you with Pre-Order Filing Instructions regarding background and security investigations.



## Address Change

In order to ensure you receive important correspondence from USCIS regarding this supplement, you should immediately notify USCIS of any change in your mailing address. By law, you must notify USCIS of any change in your physical address within 10 days of moving from your previous residence. For information on filing a change of address go to the USCIS Web site at [www.uscis.gov/addresschange](http://www.uscis.gov/addresschange) or contact the USCIS National Customer Service Center at **1-800-375-5283**. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

**If you are already in proceedings in Immigration Court, you must also notify the Immigration Court on EOIR Form 33/IC, Alien's Change of Address Form/Immigration Court, of any changes of address within five days of moving.** The EOIR Form 33/IC is available on the EOIR Web site at [www.justice.gov/eoir/formslist.htm](http://www.justice.gov/eoir/formslist.htm).

**NOTE:** Do not submit a change of address request to USCIS Lockbox facilities because these facilities do not process change of address requests.

## Processing Information

**USCIS will reject any Supplement A that is not signed or accompanied by the correct filing fee and issue you a notice that Supplement A is deficient.** You may correct the deficiency and resubmit Supplement A. Supplement A is not considered properly filed until USCIS accepts it.

**Requests for More Information.** We may request that you provide more information or evidence to support your supplement. We may also request that you provide the originals of any copies you submit. USCIS will return any requested originals when they are no longer needed.

**Requests for Interview.** We may request that you appear at a USCIS office for an interview based on your Supplement A. At the time of any interview or other appearance at a USCIS office, we may require that you provide your fingerprints, photograph, and/or signature to verify your identity and/or update background and security checks.

**Decision.** The decision on Supplement A involves a determination of whether you have established eligibility for the immigration benefit you are seeking. USCIS will notify you of the decision in writing.

## USCIS Forms and Information

To ensure you are using the latest version of this supplement, visit the USCIS Web site at [www.uscis.gov](http://www.uscis.gov) where you can obtain the latest USCIS forms and immigration-related information. If you do not have Internet access, you may order USCIS forms by calling our toll-free number at **1-800-870-3676**. You may also obtain forms and information by calling the USCIS National Customer Service Center at **1-800-375-5283**. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Instead of waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our online system, **InfoPass**, at [infopass.uscis.gov](http://infopass.uscis.gov). 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 Supplement A, we will deny your Supplement A and may deny any other immigration benefit. In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.



## USCIS Privacy Act Statement

**AUTHORITIES:** The information requested on this supplement, and the associated evidence, is collected under INA sections 103, 245, 264(f), as amended.

**PURPOSE:** The primary purpose for providing the requested information on this supplement is to determine if you have established eligibility for the immigration benefit for which you are filing. DHS will use the information you provide to grant or deny your request to adjust to that of a lawful permanent resident of the United States or register lawful permanent residence.

**DISCLOSURE:** The information you provide is voluntary. However, failure to provide the requested information, and any requested evidence, may delay a final decision in your case or result in denial of your supplement.

**ROUTINE USES:** DHS may share the information you provide on this supplement with other Federal, state, local, and foreign government agencies and authorized organizations. DHS follows approved routine uses described in the associated published system of records notices [DHS-USCIS-007 - Benefits Information System and DHS-USCIS-001 - Alien File, Index, and National File Tracking System of Records] which you can find at [www.dhs.gov/privacy](http://www.dhs.gov/privacy). DHS may also share the information, as appropriate, for law enforcement purposes or in the interest of national security.

## 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 60 minutes per response, in addition to the burden for completing Form I-485. The reporting burden includes the time for reviewing instructions, gathering the required documentation and information, completing the supplement, attaching necessary documentation, and submitting the supplement. 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 Coordination Division, Office of Policy and Strategy, 20 Massachusetts Ave NW, Washington, DC 20529-2140; OMB No. 1615-0023. **Do not mail your completed Supplement A to this address.**

## Checklist

- I am filing my Form I-485 with this Supplement A, or I previously filed my Form I-485 and it remains pending. (If I filed previously, I am attaching **a copy of my Form I-797 receipt** for that filing.)
- I signed Supplement A in **Part 4. Applicant's Statement, Contact Information, Certification, and Signature.**
- I included the appropriate **\$1,000** filing fee for Supplement A, unless exempt.
- I included all required supporting documentation listed in the **What Evidence Must You Submit to Establish Your Eligibility for Adjustment of Status under INA Section 245(i)** section of these Instructions.