

TABLE OF CHANGES – INSTRUCTIONS
Form I-485, Application to Register Permanent Residence or Adjust Status
OMB Number: 1615-0023
07/17/2019

Reason for Revision: public charge rulemaking.

- Black font = Current text
- Red font = Changes

Current Page Number and Section	Current Text	Proposed Text
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<p>Pages 2-3, Who May File Form I-485?</p>	<p>[Page 2]</p> <p>Who May File Form I-485?</p> <p>...</p> <p>1. Principal Applicant</p> <p>The principal applicant is usually the individual named as the beneficiary of an immigrant petition or who is otherwise qualified to adjust status. A principal applicant must designate which immigrant category he or she is applying under by selecting the appropriate box listed on Form I-485, Part 2. Application Type or Filing Category, Item Numbers 1.a. - 1.g...</p> <p>2. Derivative Applicant (files based on a principal applicant)</p> <p>A principal applicant’s spouse and children, who are not beneficiaries of their own immigrant petition, may be eligible to apply for adjustment under the same immigrant category as the principal applicant. These family members are called “derivative applicants.” A derivative applicant must designate which immigrant category he or she is applying under by selecting the appropriate box listed on Form I-485, Part 2. Application Type or Filing Category, Item Numbers 1.a. - 1.g.</p> <p>3. Other Immigrant Categories</p> <p>If you are filing for adjustment of status based on an immigrant category not listed in Part 2., Item Numbers 1.a. - 1.g., select the “Other Eligibility” box in Item Number 1.g. and type or print the immigrant category you are applying under. These immigrant categories include, but are not limited to:</p> <p>A. Special immigrants not listed in Part 2., Item Number 1.c. (for example, certain</p>	<p>[Page 2]</p> <p>Who May File Form I-485?</p> <p>...</p> <p>1. Principal Applicant</p> <p>The principal applicant is usually the individual named as the beneficiary of an immigrant petition or who is otherwise qualified to adjust status. A principal applicant must designate which immigrant category he or she is applying under by selecting the appropriate box listed on Form I-485, Part 2. Application Type or Filing Category, Item Numbers 2.a. - 8.e...</p> <p>2. Derivative Applicant (files based on a principal applicant)</p> <p>A principal applicant’s spouse and children, who are not beneficiaries of their own immigrant petition, may be eligible to apply for adjustment under the same immigrant category as the principal applicant. These family members are called “derivative applicants.” A derivative applicant must designate which immigrant category he or she is applying under by selecting the appropriate box listed on Form I-485, Part 2. Application Type or Filing Category, Item Numbers 2.a. - 8.e...</p> <p>3. Other Immigrant Categories</p> <p>If you are filing for adjustment of status based on an immigrant category not listed in Part 2., Item Numbers 2.a. - 8.e., select the “Other Eligibility” box in Item Number 8.e. and type or print the immigrant category you are applying under. These immigrant categories include, but are not limited to:</p> <p>[Deleted]</p>

	<p>U.S. armed forces members, Panama Canal Zone employees, and physicians);</p> <p>B. Polish or Hungarian parolee;</p> <p>C. Private immigration bill signed into law; and</p> <p>D. Registration of lawful permanent residence status based on a presumption of lawful admission...</p>	<p>A. Polish or Hungarian parolee;</p> <p>B. Amerasian Homecoming Act of 1987 (not to be confused with the Amerasian Act of October 22, 1982); and</p> <p>[Page 3]</p> <p>C. Registration of lawful permanent residence status based on a presumption of lawful admission...</p>
<p>Pages 4-6, General Instructions</p>	<p>[Page 4]</p> <p>General Instructions</p> <p>...</p> <p>Form G-325A, Biographic Information. 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</p> <p>...</p> <p>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.</p>	<p>[Page 4]</p> <p>General Instructions</p> <p>...</p> <p>Form G-325A, Biographic Information. 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 245.2(a)(3)(i) by collecting the biographical information formerly required on Form G-325A</p> <p>...</p> <p>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.</p> <p>Employment History. For Part 3., Item Numbers 11. – 22.b., provide all of your employment history for the last five years, whether inside or outside the United States. Provide information for the complete time period, including part-time employment, self-employment, or unemployment. If you do not know your start or end days (i.e. “dd”), provide your best estimate. Begin by providing information about your current and most recent employment or unemployment, if applicable. Provide the locations and dates where you worked. If you worked for yourself, type or print “self-</p>

	<p>7. Biographic Information. Provide the biographic information requested in Part 7., 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.</p> <p>If you answer “Yes” to Part 8., Item Numbers 61. and 62., attach evidence of any public assistance you received, or are likely to receive while in the United States. For more information on the receipt of public benefits and its impact on public charge determinations, please see www.uscis.gov...</p>	<p>employed.” If you were unemployed, type or print “unemployed.” Check the box to indicate if you currently work for the employer.</p> <p>For applicants subject to the public charge ground of inadmissibility under INA section 212(a)(4) only, provide evidence for the last three years of employment such as federal income tax transcripts from the United States Internal Revenue Service (IRS) of the person’s IRS Form 1040, U.S. Individual Income Tax Return; or if not required to file federal income taxes the most recent IRS Form W-2, Wage and Tax Statement, if applicable. If you have already included the same tax documentation in relation to Form I-944 or I-864, you do not need to provide duplicate copies.</p> <p>...</p> <p>[Page 8] [Deleted]...</p>
<p>Pages 8-14, What Evidence Must You Submit with Form I-485?</p>	<p>[Page 8]</p> <p>What Evidence Must You Submit with Form I-485?...</p> <p>[New]</p> <p>1. Photographs</p> <p>You must submit two recent identical color</p>	<p>[Page 8]</p> <p>What Evidence Must You Submit with Form I-485?...</p> <p>If you will be submitting the same documentation (i.e. tax return transcripts or birth certifications) for the I-485, I-864 or the I-944, you do not need to submit the documentation multiple times.</p> <p>1. Photographs</p> <p>You must submit two recent identical color</p>

	<p>passport-style photographs of yourself. The photos must have a white to off-white background, be printed on thin paper with a glossy finish, and be unmounted and unretouched.</p> <p>The two recent identical color passport-style photos must be 2 by 2 inches. The photos must be in color with full face, frontal view on a white to off-white background. Head height should measure 1 to 1 3/8 inches from top of hair to bottom of chin, and eye height is between 1 1/8 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 DOS website at travel.state.gov/content/passports/english/passports/photos/photo-examples.html for examples</p> <p>...</p> <p>If your birth certificate is unavailable or does not exist, you must prove its unavailability or nonexistence and provide acceptable alternative evidence of birth. (Refugees and asylees do not need to prove unavailability or nonexistence of their birth certificate.) You can look up your country of birth on the following website, travel.state.gov/content/visas/english/fees/reciprocity-by-country.html, to see if birth certificates are known to be unavailable or nonexistent in that country</p> <p>...</p> <p>[Page 10]</p> <p>5. Documentation of Your Immigrant Category (see Part 2., Item Numbers 1.a. - 1.g. of Form I-485)</p> <p>...</p>	<p>passport-style photographs of yourself. The photos must have a white to off-white background, be printed on thin paper with a glossy finish, and be unmounted and unretouched.</p> <p>The two recent identical color passport-style photos must be 2 by 2 inches. The photos must be in color with full face, frontal view, on a white to off-white background. Head height should measure 1 to 1 3/8 inches from top of hair to bottom of chin, and eye height should measure between 1 1/8 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 DOS website at https://travel.state.gov/content/travel/en/passports/requirements/photos.html for examples</p> <p>...</p> <p>[Page 9]</p> <p>If your birth certificate is unavailable or does not exist, you must prove its unavailability or nonexistence and provide acceptable alternative evidence of birth. (Refugees and asylees do not need to prove unavailability or nonexistence of their birth certificate.) You can look up your country of birth on the following website, https://travel.state.gov/content/travel/en/us-visas/Visa-Reciprocity-and-Civil-Documents-by-Country.html, to see if birth certificates are known to be unavailable or nonexistent in that country</p> <p>...</p> <p>[Page 10]</p> <p>5. Documentation of Your Immigrant Category (see Part 2., Item Numbers 2.a. - 8.e. of Form I-485)</p> <p>...</p>
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	<p>[Page 11]</p> <p>8. Affidavit of Support/Confirmation of Bona Fide Job Offer or Request for Job Portability Under INA Section 204(j) (Supplement J)</p> <p>A. Affidavit of Support</p> <p>Submit an Affidavit of Support (Form I-864) if your Form I-485 is based on your entry as a fiancé(e), a relative visa petition (Form I-130) filed by your relative, or an employment-based visa petition (Form I-140) related to a business that is five percent or more owned by your family.</p> <p>B. Confirmation of Bona Fide Job Offer or Request for Job Portability Under INA Section 204(j) (Supplement J)</p> <p>...</p> <p>[Page 12]</p> <p>9. Evidence of Financial Support</p> <p>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. Generally, all immediate relative and family-based adjustment applicants (beneficiaries of Form I-129F, Petition for Alien Fiancé(e), and Form I-130, Petition for Alien Relative) must have a Form I-864. Some employment-based applicants must also have a Form I-864, Affidavit of Support Under Section 213A of the Act (whether they are beneficiaries of a Form I-140, Immigrant Petition for Alien Worker, or a Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, if filed in relation to certain employment-based immigrant visa classifications). See the Instructions for Form I-864 to determine when Form I-864 is required and whether an exemption may be available. If you are exempt from the Affidavit of Support requirement, you may need to file Form I-864W, Intending Immigrant’s Affidavit of</p>	<p>[Page 11]</p> <p>[Deleted]</p> <p>8. Confirmation of Bona Fide Job Offer or Request for Job Portability Under INA Section 204(j) (Supplement J)</p> <p>...</p> <p>[Deleted]</p>
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Support Exemption.

For more information about Form I-864 requirements, visit www.uscis.gov/i-864. For more information about the Form I-864W, visit www.uscis.gov/i-864w. For more information on how receiving public benefits may impact how USCIS determines if you are likely to become a public charge, visit www.uscis.gov...

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9. Public Charge: Declaration of Self-Sufficiency (Form I-944) and Affidavit of Support Under Section 213A of the INA (Form I-864)

In addition to Form I-485, you must file Form I-944 and Form I-864 to establish that you are not inadmissible based on the public charge ground, if you fall into one of the categories listed below. See Form I-944 Instructions and Form I-864 Instructions for more information. Failure to submit a required I-944 or I-864, will result in a denial of your I-485. Please note that Form I-864W is no longer required, so you do not need to submit a separate Form I-864W with your Form I-485.

If you are applying for an immigration benefit with USCIS, you may need to demonstrate that you are not likely to become a public charge at any time in the future, under INA section 212(a)(4). A public charge is an alien who receives one or more public benefits, as defined in 8 CFR 212.21(b), for more than 12 months in the aggregate within any 36-month period (such that, for instance, receipt of two benefits in one month counts as two months). An alien who is inadmissible based on the public charge ground is an alien who is likely at any time in the future to receive public benefits, for more than 12 months in the aggregate within any 36-month period (such that, for instance, receipt of two benefits in one month counts as two months), as defined in 212.21(b) based on the totality of the alien's circumstances. Adjustment applicants must submit Form I-944, unless exempt from the public charge inadmissibility ground, to demonstrate that they are not likely at any

		<p>time in the future to become a public charge.</p> <p>General Exemption from Filing Form I-864</p> <p>If you are an applicant listed below in the Who Must Submit Form I-944 and Form I-864 section and would normally be required to file Form I-864, you may be exempt from filing Form I-864 (but not Form I-944) if:</p> <p>A. You have earned or can receive credit for 40 quarters (credits) of work in the United States (as defined by the Social Security Act (SSA)), regardless of the immigrant category. (Attach your SSA earning statements. Do not count any quarters during which you received a means-tested public benefit.); or</p> <p>B. You are under 18 years of age, unmarried, immigrating as the child of a U.S. citizen, are not likely to become a public charge, and will automatically become a U.S. citizen pursuant to INA section 320 upon your admission to the United States.</p> <p>Who Must Submit Form I-944 and Form I-864</p> <p>If you are a principal or derivative applicant, you must submit Form I-944 and Form I-864 with your Form I-485 if you are applying under one of the following immigrant categories (unless otherwise stated):</p> <p>A. Immediate relative (spouse of a U.S. citizen, parent of a U.S. citizen if the U.S. citizen is 21 years of age or older, and unmarried child under 21 years of age of a U.S. citizen);</p> <p>B. Other relative of a U.S. citizen or relative of a lawful permanent resident under the family-based preference categories;</p> <p>C. Person admitted to the United States as a K-1 nonimmigrant fiancé(e) or K-2 nonimmigrant child of a fiancé(e) of a U.S. citizen; or</p>
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		<p>D. Alien worker under the employment-based preference categories ONLY if a relative filed Form I-140 for you or has a five percent or more ownership interest in the business that filed Form I-140 for you. Note that:</p> <p>(1) The relative who is the sponsor for Form I-864 must be your husband, wife, father, mother, child, adult son, adult daughter, brother, or sister; and</p> <p>(2) The relative who is the sponsor for Form I-864 must also be a U.S. citizen, U.S. national, or lawful permanent resident; however, if your relative is your brother or sister, a Form I-864 is only required if he or she is a U.S. citizen (but not if he or she is a lawful permanent resident).</p> <p>Who Must Submit Form I-944 (and not Form I-864)</p> <p>If you are a principal or derivative applicant, you must submit Form I-944 with your Form I-485 if you are applying under one of the following immigrant categories:</p> <p>A. Widow or widower of a U.S. citizen;</p> <p>B. Alien worker under the employment-based preference categories (Exception: You may also need to file Form I-864 if a relative filed Form I-140 for you or has five percent or more ownership interest in the business that filed Form I-140. See the list above for more details.);</p> <p>C. Alien entrepreneur;</p> <p>D. Diplomats or high ranking officials unable to return home (Section 13 of the Act of September 11, 1957);</p> <p>E. S nonimmigrants and qualifying family members (Form I-485 can only be filed by law enforcement agencies, not by an individual);</p> <p>F. Diversity Visa program immigrants; or</p> <p>G. Special Immigrants listed below:</p>
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	<p>(1) Certain U.S. Armed Forces immigrants (also known as the Six and Six program);</p> <p>(2) Panama Canal Zone employees;</p> <p>(3) Certain broadcasters;</p> <p>(4) G-4 or NATO-6 employees and their family members;</p> <p>(5) International employees of the U.S. government abroad;</p> <p>(6) Religious workers;</p> <p>(7) Certain physicians; or</p> <p>(8) Certain employees or former employees of the U.S. government abroad.</p> <p>H. Applicants adjusting under the Amerasian Act (October 22, 1982).</p> <p>Who Must Submit Form I-864 (and not Form I-944)</p> <p>If you are a principal or derivative applicant, you must submit Form I-864 with your Form I-485 if:</p> <p>A. You are a VAWA self-petitioner, Victim of Qualifying Criminal Activity (U nonimmigrant), or a qualified alien as described in 8 U.S.C. 1641(c) (including, but not limited to, Human trafficking victim (T nonimmigrant)); AND</p> <p>B. You are applying for adjustment as an alien worker under the employment-based preference categories ONLY if a relative filed Form I-140 for you or has a five percent or more ownership interest in the business that filed Form I-140 for you. Note that:</p> <p style="padding-left: 40px;">(1) The relative who is the sponsor for Form I-864 must be your husband, wife, father, mother, child, adult son, adult daughter, brother, or sister; and</p> <p style="padding-left: 40px;">(2) The relative who is the sponsor for Form I-864 must also be a U.S. citizen, U.S. national, or lawful permanent resident; however, if</p>
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		<p>your relative is your brother or sister, Form I-864 is only required if he or she is a U.S. citizen (but not if he or she is a lawful permanent resident).</p> <p>If, at time of adjudication of the Form I-485, you no longer are in the category or status described in Item A. above, you may have to file Form I-944 in addition to Form I-864.</p> <p>Who Does Not Need to Submit Form I-944 or Form I-864</p> <p>You are exempt from the public charge ground of inadmissibility and do not need to file Form I-944 or Form I-864 with your Form I-485 if you are applying under one of the following categories:</p> <p>A. VAWA self-petitioner. However if you are a VAWA-self-petitioner adjusting as an alien worker under the employment-based preference categories where a relative filed Form I-140 for applicant or has a five percent or more ownership interest in the business that filed Form I-140, you may have to file Form I-864;</p> <p>B. Special immigrant juvenile;</p> <p>C. Certain Afghan or Iraqi national employed by or on behalf of the U.S. Government;</p> <p>D. Asylee;</p> <p>E. Refugee;</p> <p>F. Victim of qualifying criminal activity (U nonimmigrant) under INA section 245(m);</p> <p>G. Adjusting under any category other than the victim of qualifying criminal activity (U nonimmigrant) immigrant category INA section 245(m) or as an alien worker under the employment-based preference categories where a relative filed Form I-140 for applicant or has a five percent or more ownership interest in the business that filed Form I-140, but the applicant, at the time he or she filed the adjustment of status application, is in valid U nonimmigrant status.</p>
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<p>Page 19, USCIS Privacy Act Statement</p>	<p>[Page 19] USCIS Privacy Act Statement AUTHORITIES: The information requested on this application, and the</p>	<p>[Page 21] DHS Privacy Notice AUTHORITIES: The information requested on this application, and the</p>

	<p>associated evidence, is collected under INA sections 101 et seq., as amended, and related public laws and regulations.</p> <p>PURPOSE: The primary purpose for providing the requested information on this application is to determine if you have established eligibility to adjust status to that of a permanent resident of the United States or register permanent residence. DHS will use the information you provide to grant or deny your application to adjust status to lawful permanent resident.</p> <p>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.</p> <p>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. DHS may also share the information, as appropriate, for law enforcement purposes or in the interest of national security.</p>	<p>associated evidence, is collected under INA sections 101 et seq., as amended, and related public laws and regulations.</p> <p>PURPOSE: The primary purpose for providing the requested information on this application is to apply to adjust your status to that of a permanent resident of the United States or register permanent residence. DHS uses the information you provide to grant or deny the benefit you are seeking.</p> <p>DISCLOSURE: The information you provide is voluntary, including your Social Security Number. However, failure to provide the requested information will result in the delay or denial of your application.</p> <p>ROUTINE USES: DHS may share the information you provide on this application, and any additional requested evidence, with other Federal, state, local, and foreign government agencies and authorized organizations. DHS follows approved routine uses, as described in the associated published system of records notices [DHS/USCIS-001- Alien File, Index, and National File Tracking System and DHS/USCIS-007 - Benefits Information System] and the published privacy impact assessments [DHS/USCIS/PIA-016a Computer Linked Application Information Management System and Associated Systems and DHS/USCIS/PIA-056 USCIS Electronic Immigration System] which can be found at www.dhs.gov/privacy. DHS may also share this information, as appropriate, for law enforcement purposes or in the interest of national security.</p>
<p>Page 19,</p> <p>Paperwork Reduction Act</p>	<p>[Page 19]</p> <p>Paperwork Reduction Act</p> <p>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 Office of Management and Budget (OMB) control number. The public</p>	<p>[Page 21]</p> <p>Paperwork Reduction Act</p> <p>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 Office of Management and Budget (OMB) control number. The public</p>

	<p>reporting burden for this collection of information is estimated at 6 hours and 15 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.</p>	<p>reporting burden for this collection of information is estimated at 6.42 hours 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.</p>
<p>Page 20-21, Additional Instructions for Family-Based Applicants</p>	<p>[Page 21]</p> <p>Additional Instructions for Family-Based Applicants...</p> <p>NOTE: VAWA-based applicants for adjustment of status are exempt from Affidavit of Support requirements; however, each applicant must include Form I-864W with the adjustment application...</p>	<p>[Page 22]</p> <p>Additional Instructions for Family-Based Applicants...</p> <p>[Deleted]...</p>
<p>Pages 22-23, Additional Instructions for Employment-Based Applicants</p>	<p>[Page 22]</p> <p>Additional Instructions for Employment-Based Applicants...</p> <p>Evidence of Financial Support</p> <p>In general, if you are filing Form I-485 based on employment, you do not need to submit Form I-864, Affidavit of Support Under Section 213A of the Act. However, you must file Form I-864 if your Form I-140 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. In this context, “relative” means a U.S. citizen or lawful permanent resident who is your husband, wife, father, mother, child, adult son, adult daughter, or a U.S. citizen who is your brother or sister...</p>	<p>[Page 24]</p> <p>Additional Instructions for Employment-Based Applicants...</p> <p>[Deleted]...</p>

