Instructions for Supplement A to Form I-485, Adjustment of Status Under Section 245(i)

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

USCIS
Form I-485
OMB No. 1615-0023
Expires 02/28/2027

If you are filing Supplement A to Form I-485, Adjustment of Status Under 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 and the Form I-485 Instructions. In addition, carefully review the **Additional Instructions** section in the Form I-485 Instructions for information that relates to your family-based, employment-based, special immigrant, or Diversity Visa immigrant category.

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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). For more information on who may be disqualified from adjusting under INA section 245(a), see the **Bars to Adjustment and Grounds of Inadmissibility** section below.

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 if you are applying to adjust status under INA section 245(i). You may file Supplement A when:

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. **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.

   NOTE: "Properly filed" and "approvable when filed" are explained in the **What Evidence Must You Submit to Establish Your Eligibility for Adjustment of Status under INA Section 245(i)** section of these Instructions.

AND

2. 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 the spouse or child described in **Item 1.E.** above);

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

NOTE: Visit the Visa Availability and Priority Dates website at **https://www.uscis.gov/green-card/green-card-processes-and-procedures/visa-availability-priority-dates/adjustment-of-status-filing-charts-from-the-visa-bulletin** 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 the required filing fee as described in **Form G-1055,** available at **www.uscis.gov/g-1055**.

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Current Family Member of Principal Applicant

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) who is 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:

1. At the same time as the principal applicant files Form I-485;

2. After the principal applicant filed a Form I-485 that remains pending a final decision by U.S. Citizenship and Immigration Services (USCIS); or

3. After the principal applicant was granted lawful permanent residence under INA section 245(i) (as long as the principal applicant is still currently 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. See INA section 245(a) and (c) for more information on these adjustment bars, including whether an exemption might apply to you.

If one or more of the below adjustment bars applies to you and you are not exempt under INA sections 245(a), (c), or (k), you must qualify under INA section 245(i) to adjust.

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 at any time 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 **https://travel.state.gov/content/travel/en/us-visas/tourism-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.
10. You have ever violated the terms of your nonimmigrant status.

If the bars do not apply to you or you are exempt, then you do not need to adjust under INA section 245(i) and you should not 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/policy-manual/volume-8**.

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** 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**.

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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);
4. Form I-526, Immigrant Petition by Alien Investor; or
5. Form ETA-750, Application for Alien Employment Certification, Parts A and B.

If you are using an immigrant petition to show that you qualify for adjustment under INA section 245(i), provide the receipt number of the petition in **Part 2. Eligibility, Item Number 2.** (if available). If you are using a permanent labor certification application to qualify, you do not need to complete **Item Number 2.**

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 A. If you fail to submit required evidence, USCIS may reject or deny Form I-485 and Supplement A 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 **Item Numbers 1. - 4.** 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:

- The filing or approval of the immigrant petition (Form I-797, Notice of Action), which contains the principal beneficiary's name; or
- The filing or approval of the permanent labor certification application (Form ETA-750), which contains the principal beneficiary's name.

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.

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Documentation. To show that your immigrant petition or permanent labor certification application was properly filed, you must submit either:

- Form I-797 showing a qualifying date of filing. (Form I-797 showing a filing date indicates the U.S. Government accepted the petition and implies that the U.S. Government determined the petition was signed and submitted with the appropriate filing fee); or
- 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 or labor certification application is considered **approvable when filed** if:

A. The petition or application was **properly filed**;

B. The petition or application was meritorious in fact; and

C. The petition or application was not frivolous ("frivolous" meaning patently without substance).

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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:

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- An INS approval notice (on Form I-797) for the immigrant petition; or
- 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.

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4. The principal beneficiary of the qualifying petition or application was physically present in the United States on December 21, 2000 (if applicable).

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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:

- 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;
- A Notice to Appear in Immigration Court;
- Official correspondence or other notices from a U.S. Government agency;
- A state driver's license;
- Income tax or property tax records, returns, or payments;
- School or college transcripts and records;
- Hospital or doctor's records;
- Lease agreements and rental receipts;
- Utility bill receipts;

- Employment records, such as payroll statements or pay stubs; or
- 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

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We provide free forms through the USCIS website. To view, print, or complete 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 Contact Center and ask that we mail a form to you.

Signature. You (or your signing authority) must properly complete your supplement. USCIS will not accept a stamped or typewritten name in place of any signature on this supplement. 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. If your supplement is not signed, or if the signature is not valid, we will reject your supplement. See 8 CFR 103.2(a)(7)(ii)(A). If USCIS accepts a request for adjudication and determines that it has a deficient signature, USCIS may reject or deny the request.

Validity of Signatures. USCIS will consider a photocopied, faxed, or scanned copy of an original benefit request with a handwritten signature as valid for filing purposes. The photocopy, fax, or scan must be of the original request or document containing the handwritten ink signature.

Filing Fee. See Form G-1055, available at **www.uscis.gov/forms**, for specific information about the fees applicable to this form.

Evidence. When you file your supplement, you must submit all evidence and supporting documents 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.

Biometric Services Appointment. USCIS may require you to appear for an interview or provide biometrics (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 or petition. If we determine that a biometric services appointment is necessary, we will send you an appointment notice with the date, time, and location of your appointment. If you are currently overseas, your notice will instruct you to contact a U.S. Embassy, U.S. Consulate, or USCIS office outside the United States to schedule an appointment.

At your biometrics appointment, you must sign an oath reaffirming that:

1. You provided or authorized all information in the supplement;
2. You reviewed and understood all of the information contained in, and submitted with, your supplement; and
3. All of this information was complete, true, and correct at the time of filing.

If you do not attend your biometric services appointment, we may deny your supplement. 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 you filed with USCIS.

Copies. You should submit legible photocopies of requested documents unless the Instructions specifically instruct you to submit an original document. USCIS may request an original document at any time during our process. If we request an original document from you, we will return it to you after USCIS determines it no longer needs the original.

NOTE: If you submit original documents when they are not required or requested, **USCIS or the Immigration Court may destroy them after we receive them.**

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. The certification must also include the translator's signature, printed name, the signature date, and the translator's contact information.

USCIS Contact Center. For additional information on the supplement and Instructions about where to file, change of address, and other questions, visit the USCIS Contact Center at **www.uscis.gov/contactcenter** or call **800-375-5283** (TTY **800-767-1833)**. The USCIS Contact Center provides information in English and Spanish.

Disability Accommodations/Modifications. To request a disability accommodation/modification, follow the instructions on your appointment notice or at **www.uscis.gov/accommodationsinfo**.

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How To Complete 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 Online Account Number.** You will only have a USCIS Online Account Number (OAN) if you previously filed a form that has a receipt number that begins with IOE. If you filed the form online, you can find your OAN in your account profile. If you mailed us the form, you can find your OAN at the top of the Account Access Notice we sent you. If you do not have a receipt number that begins with IOE, you do not have an OAN. The OAN is not the same as an A-Number.
5. **Immigrant Category for Adjustment of Status.** When you filed your Form I-485, you selected an immigrant category in **Part 2., Item Number 3.** as the basis of your eligibility to adjust status. Insert the full title of that immigrant category in **Part 2., Item Number 5.**
6. **Part 4. Applicant's Contact Information, Certification, and Signature.** You must sign and date your supplement and, if applicable, provide your daytime telephone number, mobile telephone number, and email address. The signature of a parent or legal guardian, if applicable, is acceptable. 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 and sign and date the supplement.

8. **Part 6. Contact Information, Certification, and Signature of the Person Preparing this Supplement, if Other Than the Applicant.** The person who completed your supplement, if other than the applicant, must sign this section. If the same individual acted as your interpreter and your preparer, then that person should complete both **Part 5.** and **Part 6.** A stamped or typewritten name in place of a signature is not acceptable.

We recommend that you print or save a copy of your completed supplement for your records.

Where to File?

Please see our website at **www.uscis.gov/i-485supa** for the most current information about where to file this supplement.

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 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. You must also submit a copy to USCIS. Please see our website at **https://www.uscis.gov/laws-and-policy/other-resources/immigration-benefits-in-eoir-removal-proceedings** or visit the USCIS Contact Center's website for the most current information about where to file the copy of the application that you file with the Immigration Court.

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Address Change

If you are not a U.S. citizen, you must notify USCIS of your new address within 10 days of moving from your previous residence. For information on changing your address, go to our website at **www.uscis.gov/addresschange**, or call the USCIS Contact Center.

If you are already in proceedings in Immigration Court, you must also notify the Immigration Court on EOIR Form 33/IC, Change of Address/Contact Information Form, of any changes of address within five days of the change in address. The EOIR Form 33/IC is available on the EOIR website at **www.justice.gov/eoir/form-eoir-33-eoir-immigration-court-listing** or can be filed online at EOIR's Respondent Access at **https://respondentaccess.eoir.justice.gov/**

NOTE: Do not submit a change of address request to the USCIS Lockbox.

Processing Information

USCIS will reject any Supplement A that is not signed or accompanied by the correct filing fee and will send you a notice that Supplement A is incomplete. You may fix the problem and resubmit Supplement A. Supplement A is not considered properly filed until USCIS accepts it.

Initial Processing. Once USCIS accepts your supplement we will check it for completeness. If you do not properly complete this supplement, you will not establish a basis for your eligibility and we may reject or deny your Form I-485.

Requests for More Information. USCIS 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. If we request an original document from you, we will return it to you after USCIS determines it is no longer needed.

USCIS Forms and Information

To ensure you are using the latest version of this supplement, visit **www.uscis.gov**.

For questions about filing your supplement, you can use our many online tools (**uscis.gov/tools**) including our virtual assistant, Emma. This website is available in Arabic, Haitian Creole, Spanish, French, Polish, Portuguese, Russian, Tagalog, Vietnamese, and Chinese.

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.

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DHS Privacy Notice

AUTHORITIES: USCIS is collecting the information requested on this application, and the associated evidence, under INA section 245(i).

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 lawful permanent resident of the United States. DHS will use the information you provide to grant or deny your application to adjust status to lawful permanent resident.

DISCLOSURE: The information you provide is voluntary. However, failure to provide the requested information, including your Social Security number (if applicable), and any requested evidence, may delay a final decision in your case or result in USCIS denying your application.

ROUTINE USES: DHS may, where allowable under relevant confidentiality provisions, 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/ICE/CBP-001 Alien File, Index, and National File Tracking System, DHS/USCIS-007 Benefits Information System, and DHS/USCIS-018 Immigration Biometric and Background Check] and the published privacy impact assessments [DHS/USCIS/PIA-016(a) Computer Linked Application Information Management System] which you can find at **www.dhs.gov/privacy**. DHS may also share this information, as appropriate, for law enforcement purposes or in the interest of national security.

Paperwork Reduction Act

USCIS may not conduct or sponsor an information collection, and you are 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 reporting burden for this collection of information is estimated at 53 minutes per response, in addition to the burden for completing Form I-485, including 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, Office of Policy and Strategy, Regulatory Coordination Division, 5900 Capital Gateway Drive, Mail Stop #2140, Camp Springs, MD 20588-0009; OMB No. 1615-0023. **Do not mail your completed Supplement A to this address**.