



# Web Alert

## USCIS Issues Guidance on Adjustment of Status Policies and Procedures

Effective February 25, 2016, new guidance in the USCIS Policy Manual provides information on the general policies and procedures for adjustment of status to lawful permanent residence as well as adjustment under section 245(a) of the Immigration and Nationality Act (INA).

### Policy Highlights

#### [Part A: Adjustment of Status Policies and Procedures](#)

- Provides guidance on basic eligibility requirements and filing instructions (including the definition of a “properly filed” application), concurrent filing and jurisdiction.
- Provides guidance on evidentiary requirements, including initial evidence, unavailability of official records, use of affidavits and requests for evidence.
- Provides guidance on interviews, including interview waiver criteria and use of interpreters.
- Clarifies adjudication guidelines to include guidance on verifying the underlying basis for adjustment and reviewing ongoing eligibility, verifying visa availability and determining admissibility.
- Updates guidance on applicants’ requests to transfer a pending adjustment application from one underlying basis to another.
- Explains the applicable burden of proof and standard of proof and provides guidance on determining when the favorable exercise of discretion is warranted.

#### [Part B: 245\(a\) Adjustment](#)

- Explains eligibility requirements for adjustment of status under INA section 245(a).
- Explains the meaning of “inspected and admitted” and “inspected and paroled” and reviews the purpose and scope of the terms: inspection, admission and parole.
- Explains the distinction between lawful status, unlawful status and period of authorized stay.
- Explains the scope and applicability of the bars to adjustment and related exemptions, including employment-based exemptions.

This guidance updates [Volume 7 of the Policy Manual](#). See the corresponding [Policy Alert](#) for more information.

To provide feedback on this guidance, please visit [Policy Manual for Comment](#) no later than March 10, 2016.