# Instructions for Application to Register Permanent Residence or Adjust Status

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

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

Form I-485, Application to Register Permanent Residence or Adjust Status, is used by a person in the United States to apply for lawful permanent resident status. Throughout these Instructions, we will sometimes refer to Form I-485 as an application for adjustment of status or as an adjustment application.

## Who May File Form I-485?

The Immigration and Nationality Act (INA) and certain other Federal laws provide many different ways to adjust status to that of a lawful permanent resident. This is often informally referred to as applying for a "green card."

The eligibility requirements for adjustment of status may vary depending on the immigrant category you are applying under. For more information on adjustment of status eligibility and discretion, go to the U.S. Citizenship and Immigration Services (USCIS) website at **www.uscis.gov/green-card/green-card-processes-and-procedures/adjustment-status**. Furthermore, you must be **physically present** in the United States to file this application.

You may apply as the person who directly qualifies for an immigrant category ("principal applicant") or, in some cases, as a family member of the principal applicant ("derivative applicant"). Whether you are a principal or derivative applicant, you must file your own Form I-485.

1. **Principal Applicant**

   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.**

   Each category has specific requirements for adjustment of status. In addition to these Instructions, read the Additional Instructions (found after the Form I-485 Main Instructions) for your immigrant category to determine if any additional requirements apply to you.

2. **Derivative Applicant** (files based on a principal applicant)

   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.**

   Some immigrant categories do not allow for derivative applicants, while a few categories allow additional family members to apply as derivative applicants. See the **Additional Instructions** for more details.

   Under U.S. immigration law, you are a "child" 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/tools/glossary** 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**.

3. **Other Immigrant Categories**

   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:

   **A.** Special immigrants not listed in **Part 2.**, **Item Number 1.c.** (for example, certain U.S. armed forces members, Panama Canal Zone employees, and physicians);

**B.** Polish or Hungarian parolee;

**C.** Private immigration bill signed into law; and

**D.** Registration of lawful permanent residence status based on a presumption of lawful admission.

If you would like more information on how to file under any of these categories, call the National Customer Service Center at **1-800-375-5283**. For TTY (deaf or hard of hearing) call: **1-800-767-1833** or visit **www.uscis.gov/green-card/other-ways-get-green-card**.

## Who May Not Be Eligible to Adjust Status?

### Bars to Adjustment of Status

You are generally ineligible for adjustment of status if one or more adjustment bars in INA sections 245(a), (c), (d), and/or (e) apply to you. However, adjustment bars do not apply to every type of immigrant category and your category might exempt you from certain adjustment bars. For example, certain adjustment bars do not apply to immediate relatives of U.S. citizens, Violence Against Women Act (VAWA)-based applicants, or certain special immigrants. In addition, some employment-based applicants might be eligible for an exemption to some adjustment bars. For more information, visit **https://www.uscis.gov/forms/explore-my-options/green-card-eligibility**.

### Exception Under INA section 245(i)

You may be able to adjust status under INA section 245(i) even if you are subject to one or more adjustment bars and are therefore ineligible for adjustment of status under INA section 245(a). See separate instructions for adjusting status under INA section 245(i), titled "**Instructions for Supplement A to Form I-485, Adjustment of Status Under Section 245(i)**."

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 an immigrant visa under a family-based, employment-based, special immigrant, or Diversity Visa category. You must select one of the immigrant categories listed in **Part 2.**, **Item Numbers 1.a. - 1.g.** as the basis for your application for adjustment of status. See the **Additional Instructions** for more information on your specific immigrant category.

### Grounds of Inadmissibility

Immigration laws specify acts, conditions, and conduct that can make foreign nationals ineligible for lawful permanent resident status. These acts, conditions, and conduct are outlined in INA section 212(a) and are called **grounds of inadmissibility**. For more information, visit **https://www.uscis.gov/forms/explore-my-options/green-card-eligibility**.

You are inadmissible to the United States and may not adjust status to a lawful permanent resident if you fall under one or more of the grounds of inadmissibility that apply to your immigrant category. Depending on your immigrant category, some grounds may not apply to you.

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

### Exchange Visitors

If you are or were a J-1 or J-2 nonimmigrant 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, have been granted a waiver of that requirement, or were issued a favorable waiver recommendation letter from U.S. Department of State (DOS).

### Certain A, G, and E Nonimmigrants

If you have A, G, or E nonimmigrant status, or an occupation that would entitle you to such status, and as a result hold certain diplomatic rights, privileges, exemptions, and immunities, you are ineligible for adjustment of status unless you submit a waiver of those rights, privileges, exemptions, and immunities.

## When Should I File Form I-485?

This section provides general information on when you should file Form I-485.

### Principal Applicant

In general, if you are filing as a beneficiary of an immigrant visa petition (such as Form I-130, Form I-140, or Form I-360), you may file an adjustment application only after USCIS has approved your petition and an immigrant visa number is immediately available. There are, however, some immigrant categories that allow you to file Form I-485 before USCIS approves your petition (this is known as "concurrent filing"), provided that approval of the petition would make a visa number immediately available and you meet all other filing requirements. See the **Additional Instructions** for category-specific information on when you may file Form I-485.

Visit the USCIS website at **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 **www.travel.state.gov/content/visas/en/law-and-policy/bulletin.html** to view the Visa Bulletin.

More information about concurrent filing is available at **www.uscis.gov/green-card/green-card-processes-and-procedures/concurrent-filing** and in the instructions for Forms I-130, I-140, and I-360.

### Derivative Adjustment Applicant

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

If you are currently the spouse or child (unmarried and under 21 years of age) of a principal applicant, you may file Form I-485 if an immigrant visa is immediately available to you and you meet all the filing requirements. You may file at any of the following times:

1. At the same time the principal applicant files Form I-485;
2. After the principal applicant filed a Form I-485 that remains pending a final decision by USCIS;
3. After USCIS approves the principal applicant's Form I-485, if the principal applicant is still a lawful permanent resident and if, at the time of the principal applicant's Form I-485 approval, you were the principal applicant's spouse or child; or
4. After the principal applicant obtained an immigrant visa and entered the United States as a lawful permanent resident if the principal applicant is still a lawful permanent resident and, at the time of the principal applicant's entry, you were the principal applicant's spouse or child.

## General Instructions

USCIS provides forms free of charge through the USCIS website. 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, 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

**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 under 14 years of age, your parent or legal guardian may sign the application on your behalf. (See the **Additional Instructions** 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.

**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, 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 **What Evidence Must You Submit with Form I-485** section of these Instructions. Evidence requirements may vary depending on the immigrant category you are applying under. See the **Additional Instructions** for information on whether any general evidence requirements do not apply to you, or if you have other evidence requirements specific to your immigrant category.

**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, petition, or request. After USCIS receives your application and ensures it is complete, we will inform you in writing 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 are an applicant (principal or derivative) filing Form I-485 with an immigration judge, you are required to comply with instructions you will receive during proceedings for submitting Form I-485 to USCIS with all relevant fees and for providing biometric and biographic information to USCIS.

If you are required to provide biometrics, at your appointment you must sign an oath reaffirming that:

**1.** You provided or authorized all information in the application;

**2.** You reviewed and understood all of the information contained in, and submitted with, your application; and

**3.** All of this information was complete, true, and correct at the time of filing.

If you fail to attend your biometric services appointment, USCIS may deny your application. For applicants and derivatives 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.

**Copies.** You should 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 USCIS requests an original document from you, it will be returned to you after USCIS determines it no longer needs your original.

**NOTE:** If you submit original documents when not required or requested by USCIS or the Immigration Court, your original documents may remain a part of the record, USCIS or the Immigration Court will not automatically return them to you, and your original documents may be immediately destroyed upon receipt.

**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 include the translator's signature. DHS recommends the certification contain the translator's printed name and the date and the translator's contact information.

**Selective Service.** Most males between 18 and 26 years of age are required by the Military Selective Service Act to register with the Selective Service System. Nonimmigrants are not required to register. If USCIS approves your application, we will send your name, current address, Social Security number, date of birth, and the date you filed the application to the Selective Service System for registration. Men can register at a local post office or at the website, **www.sss.gov**.

If USCIS does not approve your application, you are still required to register with the Selective Service System by using another means. 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.

**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 14. 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 Online Account Number (if any).** If you have previously filed an application, petition, or request using the USCIS online filing system (previously called USCIS Electronic Immigration System (USCIS ELIS)), provide the USCIS Online Account Number you were issued by the system. You can find your USCIS Online Account Number by logging in to your account and going to the profile page. If you previously filed certain applications, petitions, or requests on a paper form via a USCIS Lockbox facility, you may have received a USCIS Online Account Access Notice issuing you a USCIS Online Account Number. If you received such a notice, your USCIS Online Account Number can be found at the top of the notice. If you were issued a USCIS Online Account Number, enter it in the space provided. The USCIS Online Account Number is not the same as an A-Number.
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 receiving mail about this application at your home address, provide an alternative, safe mailing address in **Part 1.**, **Item Numbers 14.a. - 14.f.** 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 timely receive mail. If you do not provide an alternate, safe address in **Part 1.**, **Item Numbers 14.a. - 14.f.**, USCIS may use the address of the preparer you listed on your Form I-485. If you do not use a preparer and do not provide a safe address, then USCIS will use the U.S. Mailing Address you provide in **Part 1.**, **Item Numbers 13.a. - 13.f.**

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 website at **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 website without charge. If your Form I-94 cannot be obtained from the CBP website, 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 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.

   A. **Ethnicity and Race.** Select the boxes that best describe your ethnicity and race.

      **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 7.**, **Item Number 1.**)

      (2) **White.** A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

      (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.

   B. **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.

   C. **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.

   D. **Eye Color.** Select the box that best describes the color of your eyes.

   E. **Hair Color.** Select the box that best describes the color of your hair.

8. **Part 8. General Eligibility and Inadmissibility Grounds.** Select the answer you think is correct. If you answer "Yes" to any questions **(or if you answer "No," but are unsure of your answer)**, provide an explanation of the events and circumstances in the space provided in **Part 14. Additional Information**.

   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**.

9. **Part 10. Applicant's Statement, Contact Information, Declaration, Certification, and Signature.** Select the appropriate box to indicate whether you read this application yourself or whether you had an interpreter assist you. If someone assisted you in completing the application, select the box indicating that you used a preparer. 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.

10. **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, his or her mobile telephone number (if any), and his or her email address (if any). The interpreter must sign and date the application.

11. **Part 12. Contact Information, Declaration, 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 complete this application **MUST** sign and date the application. A stamped or typewritten name in place of a signature is not acceptable. If the person who helped you prepare your application is an attorney or accredited representative, he or she may be obliged to also submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, along with your application.

**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 was complete, true, and correct at the time of filing. 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?

The specific evidence you are required to submit with your application may vary depending on the immigrant category you are filing under. Read about each type of evidence below to see if it applies to you; see also the **Additional Instructions** for more category-specific information.

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.

Failure to submit all required evidence and documentation when filing Form I-485 may also delay processing of your application and 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.

If you are unable to submit the required primary evidence (for example, a birth certificate or marriage certificate), you may provide secondary evidence (for example, church or school records) instead if you can explain why the primary evidence is unavailable. If you are unable to submit secondary evidence, you may submit two or more affidavits, sworn to or affirmed by individuals who are not parties to the immigration benefit sought and who have direct personal knowledge of the event and circumstances. You must also explain why primary and secondary evidence are unavailable.

1. **Photographs**

You **must** submit two recent identical color 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.

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 or **travel.state.gov/content/passports/english/passports/photos/photo-examples.html** for examples.

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

All Form I-485 applicants should submit a photocopy of a government-issued identity document that has their photograph. Typically, this will be your passport or similar document, even if the passport is now expired. It can also be any other government-issued identity document such as a driver's license or military identification document.

3. **Birth Certificate**

All Form I-485 applicants, except refugees and asylees, must submit a photocopy of their birth certificate issued by the appropriate civil authority from the country of birth. Although refugees and asylees are not required to submit a photocopy of their birth certificate, if the birth certificate is available, refugees and asylees should submit a copy of the birth certificate. USCIS will only accept a long-form birth certificate which lists at least one parent.

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.

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.

If this resource does not show that birth certificates from your country of birth are generally unavailable or nonexistent, you must submit an original 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.

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. **Inspection and Admission or Inspection and Parole**

Unless applying under INA section 245(i), most Form I-485 applicants must submit photocopies of documentation showing they were inspected by an immigration officer and either admitted or paroled into the United States. The following types of applicants do NOT need to submit documentation of inspection and admission or parole: registry applicants, asylees, VAWA self-petitioners, special immigrant juveniles, T nonimmigrants applying under INA section 245(l), U nonimmigrants applying under INA section 245(m), and individuals born under diplomatic status in the United States.

You must establish any claim that you were admitted or paroled into the United States.

This evidence must relate to your most recent arrival into the United States. Submit copies of the following documents, if available:

**A.** Passport page with admission or parole stamp (issued by a U.S. immigration officer);

**B.** Passport page with nonimmigrant visa; and

**C.** Form I-94 Arrival-Departure Record (See Form I-94 Arrival-Departure Record in the General Instructions section of these Instructions).

If you cannot produce this primary evidence, and DHS has no record of the admission or parole, USCIS will presume that you came into the United States without admission or parole.

You may, however, provide secondary evidence (records maintained in the ordinary course of business by any individual or organization other than DHS) to support your claim that you were admitted or paroled.

If no secondary evidence is available, you may submit separate written statements, signed under penalty of perjury under United States law, from yourself and from any other individuals who have personal knowledge of the circumstances of your claimed admission or parole. Any statement should explain in detail when and where you came into the United States; what travel documents you had, if any; whether you showed them to the immigration inspector; any questions the immigration inspector asked; and any other details about your claimed admission or parole.

**5. Documentation of Your Immigrant Category** (see **Part 2.**, **Item Numbers 1.a. - 1.g.** of Form I-485)

All Form I-485 applicants must submit evidence showing that they are eligible for adjustment of status in a particular immigrant category.

**Filing as a Beneficiary of an Immigrant Petition**

If you are filing as a beneficiary of an immigrant petition, you generally must submit a photocopy of Form I-797, Approval Notice, for your petition (or the principal applicant's petition, if you are a derivative applicant), as appropriate.

If you are filing as a principal applicant and your immigrant category allows you to file Form I-485 before your petition is approved, you may submit your Form I-485 together with:

**A.** Your immigrant petition; or

**B.** A photocopy of Form I-797, Receipt Notice, for your immigrant petition.

If you are filing as a derivative applicant based on the principal applicant's petition, you may submit your Form I-485 together with a photocopy of:

**A.** Form I-797, Approval or Receipt Notice, for the principal applicant's immigrant petition (if applicable); and

**B.** Form I-797, Approval or Receipt Notice, for the principal applicant's Form I-485 (if applicable) or a copy of the principal applicant's Form I-551 (Green Card) (if applicable).

**Filing Your Form I-485 Based on a Category That Does Not Require an Underlying Petition**

If you are filing your Form I-485 based on a category that does not require an underlying immigrant petition, you must submit other documentation. See the Additional Instructions for more category-specific information.

**6. Marriage Certificate and Other Proof of Relationship**

If you are filing Form I-485 as the derivative applicant spouse of the principal applicant, you generally must submit a photocopy of your marriage certificate issued by the appropriate civil authority where the marriage took place. Refugee derivative applicant spouses do not need to submit a photocopy of the marriage certificate. There are also some immigrant categories that require the principal applicant to submit a marriage certificate (for example, K-1 nonimmigrants (person admitted to the United States as a fiancé(e)), abused spouses and children under the Cuban Adjustment Act (CAA), Haitian Refugee Immigration Fairness Act (HRIFA) dependents, and abused spouses and children under HRIFA). See the **Additional Instructions** for more category-specific information.

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 does not show that the principal applicant is your parent, 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. Refugee derivative applicant children, however, do not need to submit proof of the parent-child relationship with the principal applicant.

**7. Evidence of Continuously Maintaining a Lawful Status Since Arrival in the United States**

Anyone applying under the following immigrant categories must submit evidence to show they have continuously maintained lawful immigration status while in the United States and are therefore not barred from adjustment by INA section 245(c)(2): applicants applying under a family-based preference category or an employment-based preference category; special immigrant religious workers, Afghan or Iraqi nationals, and international broadcasters; and selectees under the Diversity Visa Lottery program.

Acceptable evidence may include, but is not limited to, copies of the following documents:

**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).

Include evidence for every time you entered the United States and for the time periods spent in the United States. See the **Additional Instructions** for information on whether your specific immigrant category requires this evidence.

If you are applying as an employment-based first preference, second preference, or third preference applicant or as a fourth preference special immigrant religious worker and you believe you are exempted from this bar by INA section 245(k), you should submit evidence to prove you qualify for this exemption. For more information, see **www.uscis.gov/green-card/green-card-processes-and-procedures/adjustment-status**.

**8. Affidavit of Support/Confirmation of Bona Fide Job Offer or Request for Job Portability Under INA Section 204(j) (Supplement J)**

**A. Affidavit of Support**

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.

**B. Confirmation of Bona Fide Job Offer or Request for Job Portability Under INA Section 204(j) (Supplement J)**

If your Form I-485 is related to an employment based visa petition (Form I-140) filed in an employment-based immigrant visa category that requires a job offer, and you are filing Form I-485 after the employer filed the Form I-140 on your behalf, you must file Form I-485 Supplement J, Confirmation of Bona Fide Job Offer or Request for Job Portability under INA Section 204(j) (Supplement J), together with your Form I-485. For more information about this requirement, please read the instructions to Supplement J. If you are filing Form I-485 together with a Form I-140 filed on your behalf, you do not need to file Supplement J at this time. At any time during the adjudication process, USCIS may request that you file Supplement J.

**NOTE:** Individuals seeking or granted a National Interest Waiver of the job offer requirement and individuals seeking or granted classification as an alien of extraordinary ability under INA section 203(b)(1)(A) do not need to file Supplement J. Because these employment-based immigrant visa categories are not tied to a specific job offer, individuals seeking or granted classification as an alien of extraordinary ability, or seeking or granted a National Interest Waiver of the job offer requirement, do not have to file Supplement J when filing Form I-485 or to request job portability under INA section 204(j).

If you filed Form I-140 as a self-petitioner, you must intend to work in the occupational field specified in the Form I-140. You must provide a signed statement confirming this intent, unless you are filing Form I-485 together with your Form I-140.

**Job Portability.** If you properly filed Form I-485 and it remains pending with USCIS for 180 days or more after filing, you may be eligible to "port" to a job other than the one offered in the Form I-140. The new job offer must be for a permanent, full-time position in the same or similar occupational classification as the job offered in the Form I-140 that is the basis of your Form I-485. You must file Supplement J in order to request such job portability. For more information, please read the instructions to Supplement J. You may also visit the USCIS website at **www.uscis.gov**.

**9. 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. 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 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**.

**10. Report of Medical Examination and Vaccination Record (Form I-693)**

Form I-485 applicants for adjustment of status are required to have a medical examination to show that they are free from health conditions that would make them inadmissible. This does not apply to registry applicants and individuals born under diplomatic immunity in the United States. If you are filing Form I-485 under the nonimmigrant fiancé(e), asylee, or refugee category, see the Form I-693, Report of Medical Examination and Vaccination Record, Instructions for more information on whether you need to submit the full Form I-693 or only certain parts because you already had a medical examination overseas.

Only a USCIS designated civil surgeon can perform this medical examination in the United States. The civil surgeon must document the results of your medical examination on Form I-693. For more information on the medical examination, see the Form I-693 Instructions.

You are **NOT** required to submit Form I-693 at the time you file your adjustment application, but may do so if you wish. Because of the time-limited validity of Form I-693, you may choose to submit your Form I-693 after you file your Form I-485. You may also submit Form I-693 in person at an interview in a USCIS field office, if an interview is required. By waiting to submit Form I-693, you may avoid having to repeat the immigration medical examination.

For more information about Form I-693 requirements, visit **www.uscis.gov/i-693**.

**11. Certified Police and Court Records of Criminal Charges, Arrests, or Convictions**

You must submit certified police and court records for any criminal charges, arrests, or convictions you may have.

**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 an original or certified copy of your probation or parole record showing that you completed the mandated sentence, conditions set for the deferred adjudication, or rehabilitative program 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; 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

**(2)** A certified copy of the court order vacating, setting aside, sealing, expunging, or otherwise removing the arrest or conviction.

You must disclose all arrests and charges, even if the arrest occurred when you were a minor. An adjudication of juvenile delinquency is not a "conviction" under U.S. immigration law, but a juvenile can be charged as an adult for an offense committed while a juvenile. If you were convicted as an adult, there is a conviction, regardless of whether you were tried before a criminal court or a juvenile court. An adjudication of juvenile delinquency could also be relevant to the exercise of discretion. If you claim that an arrest resulted in adjudication of delinquency, and not in a conviction, you must submit a copy of the court document that establishes this fact.

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 alcohol, drugs, or injury to a person or property.

If you are not able to obtain certified copies of any court disposition relating to Items **11.A. - 11.D.**, please submit:

**A.** An explanation of why the documents are not available, including (if possible) a certificate from the custodian of the documents explaining why the documents are not available;

**B.** Any secondary evidence that shows the disposition of the case; or

**C.** If secondary evidence is also not available, one or more written statements, signed under penalty of perjury under 28 U.S.C. section 1746, by someone who has personal knowledge of the disposition.

**12. Waiver of Inadmissibility**

If you are inadmissible to the United States based on one or more grounds of inadmissibility outlined in INA section 212(a), you cannot adjust status unless you qualify for a waiver of inadmissibility or other form of relief. Whether or not you qualify for a waiver or other form of relief depends on the grounds of inadmissibility that apply to you and the specific immigrant category you are applying under.

If USCIS (or the Immigration Court, if you are in deportation, exclusion, or removal proceedings) determines that none of the grounds of inadmissibility apply to you, then 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 USCIS (or the Immigration Court, if you are in deportation, exclusion, or removal proceedings) determines that 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.

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**. Refugee and asylee applicants for adjustment of status should also see Form I-602, Application by Refugee for Waiver of Grounds of Excludability, at **www.uscis.gov/I-602**.

**13. Documentation Regarding J-1 or J-2 Exchange Visitor Status**

If you previously held or currently hold J-1 (principal) or J-2 (dependent) nonimmigrant exchange visitor status, you must submit copies of all relevant Forms IAP-66 and/or Forms DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status, ever issued to you (if available). 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, have been granted a waiver of the requirement before filing Form I-485, or were issued a favorable waiver recommendation letter from DOS before filing Form I-485. You can show you complied with the requirement by submitting evidence to prove you resided in the appropriate home country for at least two years since your exchange visitor program ended. For information about waiver of the requirement, see the Instructions for Form I-612, Application for Waiver of the Foreign Residence Requirement.

**14. Waiver of Diplomatic Rights, Privileges, Exemptions, and Immunities**

If you currently hold A, G, or E nonimmigrant status and you enjoy certain diplomatic privileges and immunities as a result of that status, you must submit Form I-508, Application for Waiver of Rights, Privileges, Exemptions and Immunities (and Form I-508F for French nationals) with your Form I-485. In addition, if you have A, G, or NATO nonimmigrant status, you must file Form I-566, Interagency Record of Request - A, G or NATO Dependent Employment Authorization or Change/Adjustment to/from A, G or NATO Status, with your Form I-485.

## What Is the Filing Fee?

The filing fee for Form I-485 is **$1,140**.

If you are **13 years of age or younger** and:

1. Are filing **with** a parent's Form I-485, the filing fee for Form I-485 is **$750**; or
2. Are filing **without** a parent's Form I-485, the filing fee for Form I-485 is **$1,140**.

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 still must 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 still must 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 either the Form I-485 filing fee or biometric services fee if:

1. 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 an inability to pay;
2. You qualify for and receive a fee waiver based on your inability to pay. If you believe you are eligible for a fee waiver under 8 CFR 103.7(c), 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** or
3. You are in deportation, exclusion, or removal proceedings before an Immigration Judge, and the Immigration Judge waives your application fee. See 8 CFR 1003.24. If you believe you are eligible for a fee waiver, file a written request with the Immigration Judge, along with any required evidence of your inability to pay the filing fee. For additional information on filing a request for a fee waiver, see the Immigration Court Practice Manual at **www.justice.gov/eoir/eoir-poliy-manual**.

**NOTE:** The filing fee and biometric services fee are not refundable, regardless of any action USCIS (or an Immigration Judge if you are in deportation, exclusion, or removal proceedings) 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 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 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 your check is returned as unpayable, USCIS will re-submit the payment to the financial institution one time. If the check is returned as unpayable a second time, we will reject your application and charge you a returned check fee.

### How To Check If the Fees Are Correct

Form I-485's 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 website at **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**.

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

If you properly 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 website at **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. 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 **www.uscis.gov/laws/immigration-benefits-eoir-removal-proceedings** or call our National Customer Service Center for the most current information about where to file the copy of the application that you file with the Immigration Court.

## Address Change

An applicant who is not a U.S. citizen must notify USCIS of his or her new address within 10 days of moving from his or her previous residence. For information on filing a change of address, go to the USCIS website at **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 website at **www.justice.gov/eoir/formslist.htm**.

**NOTE:** Do not submit a change of address request to the USCIS Lockbox facilities because the Lockbox does 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 will send you a notice that your Form I-485 is incomplete.** You may fix the problem 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. If USCIS or the Immigration Court requests an original document from you, it will be returned to you after USCIS or the Immigration Court determines it no longer needs your original.

**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.

**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.

### If You Leave the United States While Your Application Is Pending

**If you are applying for adjustment of status under INA section 245**, and 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:

1. Before you leave the United States, you obtain a grant of advance parole by filing Form I-131, you depart and return to a U.S. port of entry while the Advance Parole Document is valid, and you are paroled into the United States upon your return; or
2. 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.

**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.

**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 **Part 9.**, **Item Numbers 2.a. - 2.c.** 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 14. 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.

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 website at **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 the USCIS Contact Center at **1-800-375-5283**. The USCIS Contact Center provides information in English and Spanish. 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 schedule an appointment online at **www.uscis.gov**. Select "Tools," then under "Self Service Tools," select "Appointments" and follow the screen prompts to set up your appointment. Once you finish scheduling an appointment, the system will generate an appointment notice for you.

## 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 are 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 includes, but is not limited to, 8 U.S.C. 1101 et seq, 8 CFR parts 1.1 et seq, as amended, and the related public laws and regulations. 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 after a formal decision is made on your case or after the agency has initiated an adverse action which may result in rescission or termination of lawful permanent resident status.

## USCIS Privacy Act Statement

**AUTHORITIES:** The information requested on this application, and the associated evidence, is collected under INA sections 101 et seq., as amended, and related public laws and regulations.

**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.

**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**. 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 Office of Management and Budget (OMB) control number. The public 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, 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 Form I-485 to this address.**

## Checklist

- ☐ I have signed Form I-485 in **Part 10.**, **Item Number 6.a.**
- ☐ 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 following **Additional Instructions** (if any) relating to my specific immigrant category.
- ☐ I have included all of the required documentation listed in these Instructions and in the following **Additional Instructions** (if any) relating to my specific immigrant category.

## Additional Instructions

The purpose of these additional instructions is to provide more specific information on each immigrant category. You must read the additional instructions that apply to your specific immigrant category as well as the previous main instructions for Form I-485. If your immigrant category is not discussed here, it is because there are no additional instructions for that category.

## Additional Instructions for Family-Based Applicants

### *Immediate relative of a U.S. citizen (Form I-130, Petition for Alien Relative)*

Immediate relatives of U.S. citizens include the following relatives of U.S. citizens: spouses, unmarried children under 21 years of age, and parents (if the U.S. citizen is 21 years of age or older).

Immediate relatives do not have to wait until Form I-130 is approved to file Form I-485. You may file your Form I-485 together with your Form I-130, while Form I-130 is pending, or after your Form I-130 is approved. Immediate relatives always have a visa available once Form I-130 is approved.

Derivative applicants are not allowed in this category.

### *Other relative of a U.S. citizen or relative of a lawful permanent resident under the family-based preference categories (Form I-130)*

Family-based preference categories include: unmarried sons and daughters (21 years of age and older) of U.S. citizens; spouses, unmarried children (under 21 years of age) and unmarried sons and daughters (21 years of age and older) of lawful permanent residents; married sons and daughters of U.S. citizens; and brothers and sisters of U.S. citizens (if the U.S. citizen is 21 years of age or older).

If a visa is immediately available, applicants filing under a family-based preference immigrant category do not have to wait until Form I-130 is approved to file Form I-485. If a visa is immediately available, you may file your Form I-485 together with your Form I-130, while Form I-130 is pending, or after your Form I-130 is approved. Otherwise, you may file your Form I-485 only after your Form I-130 is approved and a visa is immediately available. See the **When Should I File Form I-485** section for more information.

### *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)*

Nonimmigrant fiancé(e) beneficiaries of Form I-129F always have a visa available, but may file Form I-485 only after marrying the U.S. citizen (Form I-129F petitioner) within the requisite 90-day period after admission to the United States on a K-1 visa.

In addition to the evidence listed in the What Evidence Must You Submit with Form I-485 section, you must submit a copy of the marriage certificate to show that the K-1 nonimmigrant fiancé(e) married the U.S. citizen (Form I-129F petitioner) in the 90-day period. This additional requirement applies to both K-1 principal and K-2 derivative applicants.

### *Widow or widower of a U.S. citizen*

If you are the widow(er) of a deceased individual who was a U.S. citizen at the time of death, you may be eligible to file Form I-485.

If your deceased citizen spouse did not file Form I-130 for you before dying, you may file Form I-360 as long as you file Form I-360 no more than two years after the date your spouse died. You do not have to wait until Form I-360 is approved to file Form I-485. You may file your Form I-485 together with your Form I-360, while your Form I-360 is pending, or after your Form I-360 is approved. Widow(er)s always have a visa available once Form I-360 is approved.

Your deceased citizen spouse may have filed Form I-130 for you before dying. In this case, you may file Form I-485 while Form I-130 is pending or after it is approved. If Form I-130 is approved, it will be considered an approved Form I-360.

When filing your Form I-485, you should provide a copy of the Form I-797 Approval Notice or Receipt for the Form I-130 filed on your behalf or the Form I-360 you filed (unless you are filing Form I-360 together with your Form I-485). See the **When Should I File Form I-485** section above for more information.

### *VAWA self-petitioner (Form I-360)*

You may file under this category 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 and is at least 21 years of age. Special confidentiality protections (described at 8 U.S.C. section 1367) apply to you as the VAWA self-petitioner. 8 U.S.C. section 1367 provides two forms of critical protection for VAWA self-petitioners. The first form of protection is a prohibition on adverse determinations against the victim based on information provided solely by their abuser and other prohibited sources. The second form of protection is a prohibition on disclosure of any information about the victim to third parties, except in certain very limited circumstances.

If a visa is immediately available, applicants filing as VAWA self-petitioners do not have to wait until Form I-360 is approved to file Form I-485. If a visa is immediately available, you may file your Form I-485 together with your Form I-360, while your Form I-360 is pending, or after your Form I-360 is approved. Otherwise, you may file your Form I-485 only after your Form I-360 is approved and a visa is immediately available. See the **When Should I File Form I-485** section above for more information.

**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.

**NOTE:** USCIS will not accept requests for Change of Address submitted online, mailed to USCIS Lockbox facilities, or by telephonic requests at the National Customer Service Center for adjustment of status applications filed by VAWA self-petitioners. For information on filing a change of address go to the USCIS website at **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**.

#### Derivative Applicants

Children of principal applicants may file as derivative applicants. However, you may not file as a derivative if the principal applicant is a self-petitioning parent of an abusive U.S. citizen son or daughter.

## Additional Instructions for Employment-Based Applicants

### *Alien worker (Form I-140, Immigrant Petition for Alien Worker)*

This category applies to the following employment-based immigrant preference classifications: first preference -- including foreign nationals with extraordinary ability, outstanding professors and researchers, or certain multinational executives and managers; second preference -- members of the professions holding advanced degrees or foreign nationals of exceptional ability; and third preference -- skilled workers, professionals, and other workers.

If a visa is immediately available, an applicant in the employment-based preference immigrant category does not have to wait until Form I-140 is approved to file Form I-485. If a visa is immediately available, you may file your Form I-485 together with your Form I-140, while your Form I-140 is pending, or after your Form I-140 is approved. Otherwise, you may file your Form I-485 only after your Form I-140 is approved and a visa is immediately available. See the **When Should I File Form I-485** section above for more information.

#### Evidence of Financial Support

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.

#### Request for Job Portability

If you properly filed Form I-485 and it remains pending with USCIS for 180 days or more after filing, you may be eligible to "port" to a job other than the one offered in Form I-140, under the authority of INA section 204(j). The new job offer must be for a permanent, full-time position in the same or similar occupational classification as the job offered in the Form I-140 that is the basis of your Form I-485. You may request such job portability by sending a typed or printed request to USCIS which includes a letter from the new employer providing details about the new job and any other documentation needed to establish eligibility for portability. For more information, visit the USCIS website at **www.uscis.gov**.

#### National Interest Waiver (NIW) Physicians

You may qualify for a National Interest Waiver if you worked full time as a physician for a total of five years (not including work while in J-1 status) in a designated medical shortage area or at a Veterans Administration healthcare facility, and a Federal agency or state department of public health has determined such work is in the public interest.

USCIS will not approve your Form I-485 as an NIW physician until you submit evidence showing you have completed the full five years of required employment. You must submit 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.

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

Alien entrepreneurs are foreign nationals who have invested, or are actively in the process of investing, $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 full-time jobs for U.S. citizens, lawful permanent residents, and certain other authorized workers.

If you are filing your Form I-485 under the alien entrepreneur (immigrant investor) category, you may not file your Form I-485 until USCIS first approves your Form I-526, Immigrant Petition by Alien Entrepreneur, and a visa is immediately available.

**Evidence of Financial Support**

If you are filing Form I-485 as an immigrant investor, you do not need to submit evidence of financial support.

## Additional Instructions for Special Immigrants

### *Religious worker (Form I-360)*

Special immigrant religious workers are members of a religious denomination who will be working as a minister or in another professional capacity in a religious vocation or occupation for the denomination's bona fide nonprofit religious organization in the United States.

If you are filing your Form I-485 under the special immigrant religious worker category, you may not file your Form I-485 until USCIS first approves your Form I-360, and a visa is immediately available.

Except for ministers, all other religious workers and their derivatives must have their Form I-485 approved on or before the end date of this program (sunset date). Statutory amendments may extend this date. For information on the sunset date, please visit the USCIS website at **www.uscis.gov/working-united-states/permanent-workers/employment-based-immigration-fourth-preference-eb-4/special-immigrant-religious-workers**.

### *Special immigrant juvenile (Form I-360)*

Special immigrant juveniles are unmarried, under 21 years of age at the time of filing Form I-360, and have a qualifying order from a state juvenile court (see 8 CFR 204.11(a) for the definition of a juvenile court) that makes the findings required under INA section 101(a)(27)(J).

If an employment-based fourth preference (EB-4) immigrant visa is immediately available, applicants filing as special immigrant juveniles do not have to wait until Form I-360 is approved to file Form I-485. If a visa is immediately available, you may file your Form I-485 together with your Form I-360, while your Form I-360 is pending, or after your Form I-360 is approved. Otherwise, you may file your Form I-485 only after your Form I-360 is approved and a visa is immediately available. See the **When Should I File Form I-485** section above for more information.

**NOTE:** USCIS considers anyone granted special immigrant juvenile classification to have been paroled into the United States for the purpose of special immigrant juvenile based adjustment, regardless of how you actually arrived in the United States. When filling out **Part 1.**, **Item Numbers 22.a. - 25.c.** of the Form I-485, please list how you actually arrived in the United States.

Derivative applicants are not allowed in this category.

**Evidence of Financial Support**

If you are filing Form I-485 as a special immigrant juvenile, you do not need to submit evidence of financial support.

### *Certain Afghan or Iraqi national (Form I-360)*

Special immigrant Afghan or Iraqi nationals are: nationals of Afghanistan or Iraq who worked with the U.S. armed forces or U.S. Coast Guard as translators; Iraqi nationals who were employed by or on behalf of the U.S. Government; or Afghan nationals who were employed by or on behalf of the U.S. Government in Afghanistan, in the International Security Assistance Force (ISAF), or in a successor mission to ISAF.

If you are filing your Form I-485 under the special immigrant Afghan or Iraqi national category, you may not file your Form I-485 until USCIS first approves your Form I-360 and a visa is available immediately.

### *Certain G-4 international organization or NATO-6 employee or family member (Form I-360)*

Special immigrant G-4 or NATO-6 employees or family members include: retired officers or employees of an international organization or NATO (and spouses), surviving spouses of deceased officers or employees of an international organization or NATO, and unmarried sons or daughters of current or retired officers or employees of an international organization or NATO.

If a visa is immediately available, a special immigrant G-4 international organization or NATO-6 employee or family member does not have to wait until Form I-360 is approved to file Form I-485. If a visa is immediately available, you may file your Form I-485 together with your Form I-360, while your Form I-360 is pending, or after your Form I-360 is approved. Otherwise, you may file your Form I-485 only after your Form I-130 is approved and a visa is immediately available. See the **When Should I File Form I-485** section above for more information.

**Additional Evidence Requirements**

As a special immigrant G-4 international organization or NATO-6 employee or family member, you must submit evidence showing you meet certain requirements specific to this immigrant category. Therefore, in addition to the evidence listed in the **What Evidence Must You Submit with Form I-485** section, the principal applicant must also submit:

1. A copy of every page of your passport and any other document showing residence and physical presence in the U.S. for the required time period (see **www.uscis.gov/greencard** for more information); and
2. Evidence that you maintained your G-4, N, or NATO-6 nonimmigrant status since your last entry into the United States.

## Additional Instructions for Human Trafficking Victims and Crime Victims

### *Human trafficking victim (T Nonimmigrant, Form I-914) or derivative family member (Form I-914A)*

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, would suffer extreme hardship involving unusual and severe harm upon removal from the United States or were under 18 years of age at the time of the victimization that qualified you for T nonimmigrant status. Special confidentiality protections (described at 8 U.S.C. section 1367) apply to you as a human trafficking victim. 8 U.S.C. section 1367 provides two forms of critical protection for human trafficking victims. The first form of protection is a prohibition on adverse determinations against the victim based on information provided solely by their abuser and other prohibited sources. The second form of protection is a prohibition on disclosure of any information about the victim to third parties, except in certain very limited circumstances.

If you are a principal applicant (T-1 nonimmigrant), you may file Form I-485 only after you have been in the United States for the following time period, whichever is less:

1. A continuous period of at least three years since you were first admitted as a T-1 nonimmigrant; or
2. A continuous period during the investigation or prosecution of acts of trafficking, and the Attorney General has determined the investigation or prosecution is complete.

If you are a derivative applicant (T-2 through T-6 nonimmigrant), you may file Form I-485 only once the principal applicant has met the above physical presence requirement.

**Evidence of Financial Support**

If you are filing Form I-485 as a T nonimmigrant, you do not need to submit evidence of financial support.

### Additional Evidence Requirements

As a human trafficking victim, you must submit evidence showing you meet certain requirements specific to this immigrant category. Therefore, in addition to the evidence listed in the main instructions, principal and derivative applicants must also submit:

1. Evidence you were lawfully admitted in T nonimmigrant status and continue to hold such status at the time you file Form I-485; and
2. Evidence that adjustment of status is warranted as a matter of discretion.

In addition, principal applicants must also submit:

1. Evidence of continuous physical presence;
2. Evidence of good moral character; and
3. Evidence you complied with reasonable requests for assistance in the investigation or prosecution of the acts of trafficking or evidence that you would suffer extreme hardship involving unusual and severe harm upon removal from the United States or evidence that you were under 18 years of age at the time of the victimization that qualified you for T nonimmigrant status.

### Evidence of Continuous Physical Presence

You do not need to submit documentation showing that you were present in the United States on every single day during the requisite period of physical presence, but you should not have significant chronological gaps in your documentation.

To show continuous physical presence, you must submit **Item Numbers 1. - 3.** below.

1. Copies of every page of your passport or equivalent travel document (or valid explanation of why you do not have such a 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;
   - **F.** Place of return; and
   - **G.** Affidavit
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.** Educational documents;
   - **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;

**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; or

**G.** Your own affidavit attesting to your continuous physical presence.

**NOTE:** 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 affidavit alone is not sufficient to show continuous physical presence.

**NOTE:** 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 of the United States (or designee) stating that the investigation or prosecution is complete.

**Evidence of Good Moral Character**

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.** A 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.

**Evidence of Compliance with Reasonable Requests for Assistance in the Investigation or Prosecution OR Evidence That You Were Under 18 Years of Age at the Time of the Victimization OR Evidence of Extreme Hardship Involving Unusual and Severe Harm**

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 under 18 years of age at the time of the victimization that qualified you for T nonimmigrant status; 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 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 excepted 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**

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. 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. See 8 CFR 245.23(e)(3).

### *Crime victim (U Nonimmigrant, Form I-918), derivative family member (Form I-918A), or qualifying family member (Form I-929)*

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. Special confidentiality protections (described at 8 U.S.C. section 1367) apply to you as a crime victim. 8 U.S.C. section 1367 provides two forms of critical protection for crime victims. The first form of protection is a prohibition on adverse determinations against the victim based on information provided solely by their abuser and other prohibited sources. The second form of protection is a prohibition on disclosure of any information about the victim to third parties, except in certain very limited circumstances.

Both principal and derivative applicants may file Form I-485 only after they have been physically present in the United States for a continuous period of at least three years since being admitted as a U nonimmigrant. Applicants must continue to be physically present through the date that USCIS makes a decision on this application.

Additionally, certain qualifying family members may also apply for adjustment of status. Your approved Form I-929, Petition for Qualifying Family Member of a U-1 Nonimmigrant, confirms that you are a qualifying family member who may file Form I-485. You must also show that the qualifying family relationship that formed the basis of your Form I-929 approval exists at the time the principal applicant (U-1 nonimmigrant) becomes a lawful permanent resident and continues to exist until USCIS makes a decision on your Form I-485.

#### Evidence of Financial Support

If you are filing Form I-485 as a U nonimmigrant, you do not need to submit evidence of financial support.

#### Additional Evidence Requirements

As a U nonimmigrant, you must submit evidence showing you meet certain requirements specific to this immigrant visa category. Therefore, in addition to the evidence listed in the main instructions, principal and derivative applicants must also submit:

**1.** Evidence of continuous physical presence; and

**2.** Evidence that adjustment of status is warranted as a matter of discretion.

In addition, principal applicants must also submit evidence that they complied with reasonable requests for assistance in the investigation or prosecution of the qualifying criminal activity.

#### Evidence of Continuous Physical Presence

You do not need to submit documentation showing that you were present in the United States 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 **Item Numbers 1. - 4.** below:

**1.** Copies of every page of your passports or equivalent travel documents (or valid explanation of why the applicant does not have such a document);

**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.** Educational documents;

**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 affidavit 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 necessary in order to assist in the investigation or prosecution of the qualifying criminal activity; or

**2.** Your absence was otherwise justified.

**Evidence of Compliance with Reasonable Requests for Assistance in the Investigation or Prosecution of the Qualifying Criminal Activity**

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.

To show you have met this requirement, 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, 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;

**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; or

5. Court documents, police reports, news articles, copies of reimbursement forms for travel to and from court, and affidavits of other witnesses or officials.

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; and
4. 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 (or 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, guardian, or next friend 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

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 approve 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. See 8 CFR 245.24(d)(11).

## Additional Instructions for Asylees and Refugees

If you are an asylee, you may be eligible to adjust status under INA section 209(b) if you have been physically present in the United States for one year after your grant of asylum, your status has not been terminated, and you still qualify as an asylee or the spouse or child of an asylee.

### Derivative Applicants

Asylee derivative applicants may file Form I-485 with the principal applicant or independently from the principal applicant. However, asylee derivative applicants should submit proof of relationship to the principal applicant. See the **Marriage Certificate and Other Proof of Relationship** section in the **What Evidence Must You Submit with Form I-485** section.

### Evidence of Financial Support

If you are filing Form I-485 as an asylee, you do not need to submit evidence of financial support.

### Additional Evidence Requirements

As an asylee, you must submit evidence showing you meet certain requirements specific to this immigrant category. Therefore, in addition to the evidence listed in the **What Evidence Must You Submit** with Form I-485 section, principal and derivative applicants must also submit evidence of asylum status (such as a copy of the asylum approval notice from USCIS or the immigration court order granting you asylum).

## *Refugee Status*

If you were admitted as a refugee, you may be eligible to adjust status under INA section 209(a) once you have been physically present in the United States for one year after being admitted to the United States in refugee status and if your status has not been terminated.

### Derivative Applicants

Refugee derivative applicants may file Form I-485 with the principal applicant or independently from the principal applicant.

### Evidence of Financial Support

If you are filing Form I-485 as a refugee, you do not need to submit evidence of financial support.

### Additional Evidence Requirements

As a refugee, you must submit evidence showing you meet certain requirements specific to this immigrant category. Therefore, in addition to the evidence listed in the **What Evidence Must You Submit with Form I-485** section, principal and derivative applicants must also submit evidence of refugee status, such as a Form I-94 or a Refugee Travel Document (Form I-571).

# Additional Instructions for Applicants Filing Under Special Adjustment Programs

## *Cuban Adjustment Act (CAA)*

You may apply for adjustment of status if 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 if you are a spouse or unmarried child of a Cuban described above (regardless of your nationality or place of birth) 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.

### Derivative Applicants

As a 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. Furthermore, you may apply under the CAA regardless of how long your relationship with the qualifying CAA applicant has existed. Whether your relationship began before or after your Cuban spouse or parent became a lawful permanent resident does not matter.

### Evidence of Financial Support

If you are filing Form I-485 based on the CAA, you do not need to submit evidence of financial support.

### Additional Evidence Requirements

As a CAA applicant, you must submit evidence showing you meet certain requirements specific to this immigrant category. Therefore, in addition to the evidence listed in the **What Evidence Must You Submit with Form I-485** section, principal applicants must also submit:

1. Evidence of being a native or citizen of Cuba; and
2. Evidence that you have been physically present in the United States for at least one year.

**Evidence of Being a Cuban Native** (If You Were Born in Cuba)

Examples of evidence submitted by principal applicants that demonstrates being a Cuban native can include but are not limited to:

1. An expired or unexpired Cuban passport *(Pasaporte de la Republica de Cuba)* that lists the holder's place of birth as being Cuba; and
2. A Cuban birth certificate issued by the appropriate civil registry in Cuba. (**Note:** A Cuban birth certificate acknowledging a birth outside of Cuba or Cuban consular birth record issued for a principal applicant who was not born in Cuba is not sufficient to prove Cuban citizenship.)

**Evidence of Cuban Citizenship** (If You Were Born Outside of Cuba)

Examples of evidence submitted by principal applicants that demonstrates Cuban citizenship can include but are not limited to:

1. An unexpired Cuban passport *(Pasaporte de la Republica de Cuba)*;
2. Nationality Certificate *(Certificado de Nacionalidad)*; and
3. Citizenship Letter *(Carta de Ciudadania)*.

In addition to the evidence listed in the **What Evidence Must You Submit with Form I-485** section, derivative applicants must submit:

1. Evidence you have been physically present in the United States for at least one year; and
2. Evidence that you reside with the principal applicant.

If you are a derivative applicant, you do not need to submit evidence of Cuban birth or citizenship. As mentioned above, you may file to adjust status as a derivative applicant under the CAA regardless of your nationality or place of birth.

### Evidence of Physical Presence and Inspection and Admission or Inspection and Parole

CAA adjustment is available only to applicants who have been inspected and admitted or inspected and 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 present yourself to USCIS and USCIS 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 the one-year period of physical presence to occur after your parole.

## *CAA for Abused Spouses and Children*

You may apply for adjustment of status if you are an abused spouse or child of a CAA-eligible spouse or parent. Special confidentiality protections (described at 8 U.S.C. section 1367) apply to you as the abused spouse or child of a principal CAA-eligible spouse or parent. 8 U.S.C. section 1367 provides two forms of critical protection. The first form of protection is a prohibition on adverse determinations against the victim based on information provided solely by their abuser and other prohibited sources. The second form of protection is a prohibition on disclosure of any information about the victim to third parties, except in certain very limited circumstances.

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.

Derivative applicants are not allowed in this category.

### Evidence of Financial Support

If you are filing Form I-485 as an abused spouse or child under the CAA, you do not need to submit evidence of financial support.

### Additional Evidence Requirements

As a CAA abused spouse or child, you must submit evidence showing you meet certain requirements specific to this adjustment program. Therefore, in addition to the evidence listed in the **What Evidence Must You Submit with Form I-485** section, you must also submit:

1. Evidence that you resided with your abusive Cuban spouse or parent at some point during the qualifying relationship as a spouse or child;
2. Evidence that you have been physically present in the United States for at least one year;
3. Evidence of battery or extreme cruelty;
4. Evidence that the termination of your marriage was connected to the abuse (if applicable); and
5. Evidence that the abusive Cuban spouse died within two years of when you filed an application for adjustment of status (if applicable).

### Evidence of Physical Presence and Inspection and Admission or Inspection and Parole

The law does not require the one-year period of physical presence to occur after your parole.

Abused spouses and children of CAA-eligible applicants must have been inspected and admitted or inspected and 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 present yourself to DHS and DHS paroles you under INA section 212(d)(5)(A), pending a final determination of your admissibility.

### 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 control you or gain your compliance. 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 or affidavits from medical personnel, school officials, and clergy;
5. Reports or affidavits from social workers or other social service agency personnel;
6. Documentation to show you sought safe haven in a family violence shelter or similar place; or
7. 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.

**Evidence of Death of the Cuban Spouse (if applicable)**

If your abusive Cuban spouse has died, you may file Form I-485 within two years of your abusive Cuban spouse's death, as long as you lived with your abusive Cuban spouse at some point during the qualifying relationship. You must submit evidence of the death (such as a death certificate).

**Evidence of Termination of the Marriage (if applicable)**

If the marriage ended in divorce or was annulled, you may file Form I-485 within two years of the termination of the marriage as long as you demonstrate that:

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.

## *Dependent Status under Haitian Refugee Immigrant Fairness Act (HRIFA)*

Although the qualifying period has closed for principal HRIFA applicants, dependents of those principal applicants may still file for adjustment of status if they meet certain requirements. You may apply if you are a Haitian national residing in the United States who is a dependent spouse, child, or unmarried son or daughter of a HRIFA applicant. In addition, your relationship to the principal must have existed at the time the principal applicant was granted adjustment of status and must continue to exist at the time you are granted adjustment of status. You may not file under this category if you are eligible for adjustment of status under any other provision of law.

**Evidence of Financial Support**

If you are filing Form I-485 as a dependent under the HRIFA, you do not need to submit evidence of financial support.

**Additional Evidence Requirements**

As a HRIFA dependent, you must submit evidence showing you meet certain requirements specific to this immigrant category.

In addition to the evidence listed in the What Evidence Must You Submit with Form I-485 section, unmarried sons or daughters (21 years of age or older) applying as HRIFA dependents must also submit:

1. Evidence of Haitian nationality;
2. Evidence that the qualifying relationship to the principal existed at the time the principal was granted adjustment of status and that the relationship still exists;

3. Evidence you have been physically present in the United States for a continuous period starting no later than December 31, 1995, and continuing until you are granted adjustment of status; and
4. A statement that lists, and evidence of, all departures from and arrivals in the United States since December 31, 1995.

**Evidence of 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.

**Evidence of Continuous Physical Presence**

If you are an unmarried son or daughter (21 years of age or older), you must submit evidence that you were physically present in the United States for a continuous period since December 31, 1995. USCIS considers your physical presence to be "continuous" despite: any absences from the United States that totaled 180 days or less in the aggregate; any absences for which you received advance parole before departing the United States and you returned to the United States according to the conditions listed on the advance parole document; or any absences from the United States occurring after October 21, 1988, and before July 12, 1999, provided you departed the United States before December 31, 1988.

## *HRIFA Eligibility for Abused Spouses and Children*

You may apply to adjust status if you are an abused spouse or child of a HRIFA-eligible spouse or parent. Furthermore, you may apply for adjustment of status as an abused spouse or child even if your principal HRIFA-eligible spouse or parent has not filed for adjustment of status. Special confidentiality protections (described at 8 U.S.C. section 1367) apply to you as the abused spouse or child of a qualifying HRIFA principal. 8 U.S.C. section 1367 provides two forms of critical protection. The first form of protection is a prohibition on adverse determinations against the victim based on information provided solely by their abuser and other prohibited sources. The second form of protection is a prohibition on disclosure of any information about the victim to third parties, except in certain very limited circumstances.

Derivative applicants are not allowed in this category.

**Evidence of Financial Support**

If you are filing Form I-485 as an abused spouse or child under the HRIFA, you do not need to submit evidence of financial support.

**Additional Evidence Requirements**

As an abused spouse or child under the HRIFA, you must submit evidence showing you meet certain requirements specific to this immigrant category. Therefore, in addition to the evidence listed in the **What Evidence Must You Submit with Form I-485** section, you must also submit evidence of:

1. Haitian nationality; and
2. Evidence of battery or extreme cruelty.

**Evidence of Nationality**

You must submit evidence of your 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.

**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 control you or gain your compliance. 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 or affidavits from medical personnel, school officials, and clergy;
5. Reports or affidavits from social workers or other social service agency personnel;
6. Documentation to show you sought safe-haven in a family violence shelter or similar place; or
7. Photographs of injuries.

## *Former Soviet Union and Indochinese Parolee (Lautenberg Parolees)*

If you are or were a national of the former Soviet Union, Vietnam, Cambodia, or Laos who was previously denied refugee status but then was inspected and paroled into the United States for humanitarian reasons before September 30, 2012, you may apply for adjustment of status if you have been physically present in the United States for one year after being paroled.

Derivative applicants are not allowed in this category.

### Evidence of Financial Support

If you are filing Form I-485 as a Lautenberg parolee, you do not need to submit evidence of financial support.

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

You only need to submit the full Form I-693 if your medical examination was not completed overseas or you had a Class A condition at the time of the overseas exam. If your medical examination was completed overseas, you did not have a Class A condition at the time of the exam, and you are applying for adjustment within two years of parole into the United States, then you only need to submit the vaccination portion of Form I-693. (You may submit Form I-693 with your Form I-485 or at a later time. See the **Report of Medical Examination and Vaccination Record (Form I-693)** section in the **What Evidence Must You Submit with Form I-485** for more information.)

### Additional Evidence Requirements

As a Lautenberg parolee, you must submit evidence showing you meet certain requirements specific to this immigrant category. Therefore, in addition to the evidence listed in the What Evidence Must You Submit with Form I-485 section, you must also submit evidence that:

1. You are or were a national of 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), Vietnam, Laos, or Cambodia, if not contained in your birth certificate; and
2. You were denied refugee status.

### Denied Refugee Status

Under the Lautenberg program, applicants must first have been denied refugee status before their parole into the United States. Provide evidence of denied refugee status, if available.

## *Diplomats or High Ranking Officials Unable to Return Home (Section 13 of the Act of September 11, 1957)*

You may apply for adjustment of status if you are a foreign national who entered the United States under diplomatic or semi-diplomatic status and then failed to maintain lawful status, and you can demonstrate compelling reasons why you cannot return to the country represented by the government which accredited you. Such persons are sometimes referred to as Section 13 applicants.

### Derivative Applicants

You may apply as a derivative if you are the immediate family member of a Section 13 applicant. The 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, travel or other allowances; and
4. Are individually authorized by DOS.

### Additional Evidence Requirements

As a Section 13 applicant, you must submit evidence showing you meet certain requirements specific to this immigrant category. Therefore, in addition to the evidence listed in the What Evidence Must You Submit with Form I-485 section, principal applicants must also submit:

1. Evidence that you were admitted into the United States in A-1, A-2, G-1, or G-2 nonimmigrant status;
2. Evidence that you performed diplomatic or semi-diplomatic duties (custodial, clerical, or menial duties are not sufficient);
3. 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;
4. Evidence establishing that granting your adjustment of status would be in the national interest of the United States;
5. 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); and
6. Form I-566, Interagency Record of Request.

In addition to the evidence listed in the **What Evidence Must You Submit with Form I-485** section, derivative applicants must also submit:

1. Evidence that you were admitted into the United States in A-1, A-2, G-1, or G-2 nonimmigrant status;
2. Evidence establishing that granting your adjustment of status would be in the national interest of the United States;
3. 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); and
4. Form I-566, Interagency Record of Request.

### 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.

DOS is responsible for terminating an individual's diplomatic status and for determining the date of an individual's termination of status. DOS requires foreign missions 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. For further information regarding termination of diplomatic status, please contact DOS.

### 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.

### Visa Availability

Only 50 adjustments under this category are allowed per year. You may wish to consider applying under another immigrant category, if possible, due to this category's numerical limitation.

## *Indochinese Parole Adjustment Act of 2000*

You may apply to adjust status if you are a national of Vietnam, Cambodia, or Laos who was inspected and paroled into the United States before October 1, 1997 from Vietnam under the Orderly Departure Program (ODP), a refugee camp in East Asia, or a displaced person camp administered by the United Nations High Commissioner for Refugees (UNHCR) in Thailand.

Derivative applicants are not allowed in this category.

### Evidence of Financial Support

If you are filing Form I-485 under the Indochinese Parole Adjustment Act, you do not need to submit evidence of financial support.

### Additional Evidence Requirements

You must submit evidence showing you meet certain requirements specific to this immigrant category. Therefore, in addition to the evidence listed in the **What Evidence Must You Submit with Form I-485** section, you must also submit:

1. Evidence of Vietnamese, Cambodian, or Laotian citizenship or nationality; and
2. Evidence of physical presence in the United States before and on October 1, 1997.

# Additional Categories

## *Diversity Visa Program*

Certain foreign nationals who were selected in the Diversity Visa (DV) lottery ("selectee") for the current fiscal year may apply for adjustment of status. Your selection letter, provided by DOS, confirms that you may qualify to apply for adjustment under this category.

Derivative applicants may file in this category only if they were listed as derivative family members in the principal's DV lottery application.

You may file Form I-485 only when a visa is immediately available. For information on visa availability for DV applicants, visit the USCIS website at **www.uscis.gov/greencard**.

You and your derivatives 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.

**Evidence of Financial Support**

If you are filing Form I-485 as a DV applicant, you do not need to submit evidence of financial support.

**Additional Evidence Requirements**

As a DV applicant, you must submit evidence showing you meet certain requirements specific to this immigrant category. Therefore, in addition to the evidence listed in the What Evidence Must You Submit with Form I-485 section, principal and derivative applicants must also submit:

1. Evidence of the principal applicant's selection in the DV lottery; and
2. Evidence that any derivative applicants were originally included in the DV lottery entry (if applicable).

In addition, principal applicants must also submit evidence of the required education or work experience to qualify for adjustment as a DV applicant.

**Evidence of Selection in DV Lottery**

You must provide a copy of the principal applicant's DOS Selection Letter for the DV lottery and a copy of the receipt from DOS for the DV lottery processing fee.

**Evidence of Relationship**

If derivative applicants are filing Form I-485 based on the principal applicant's Selection Letter, you must provide evidence that the principal applicant included the derivative applicants in the entry when entering the DV lottery for the current fiscal year.

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 derivative 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.

**Evidence of Education or Work Experience**

Principal applicants must provide one of the following:

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.

## *Continuous Residence in the United States Since Before January 1, 1972 (Registry)*

Certain foreign nationals who entered the United States prior to January 1, 1972 and have maintained continuous U.S. residence since then may apply to register their lawful permanent resident status.

Derivative applicants are not allowed in this category.

### Evidence of Financial Support

If you are filing Form I-485 as an applicant for Registry, you do not need to submit evidence of financial support.

### Additional Evidence Requirements

As a Registry applicant, you must submit evidence showing you meet certain requirements specific to this registration category. Therefore, in addition to the evidence listed in the What Evidence Must You Submit with Form I-485 section, you must also submit:

**1.** Evidence you entered the United States before January 1, 1972; and

**2.** Evidence establishing continuous residence since entry.

### Evidence of Entry Before January 1, 1972

You may show evidence of entry by submitting at least one document showing presence in the United States before January 1, 1972. You may submit as many documents as necessary.

### Evidence of Continuous Residence

You may establish continuous residence even if you have made numerous brief departures from the United States.

You may submit as many documents as necessary to establish continuous residence during the period of time since your claimed date of entry. 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;

**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.

## *Individual Born under Diplomatic Status in the United States*

You may apply to register your lawful permanent resident status if you are a foreign national born in the United States to a foreign diplomatic officer accredited to the United States (listed in DOS's Diplomatic List ("Blue List")) and you have maintained continuous residence in the United States since birth.

If you are under 18 years of age, your parent or legal guardian must prepare and sign Form I-485 on your behalf.

Derivative applicants are not allowed in this category.

### Evidence of Financial Support

If you are filing Form I-485 as an individual born under diplomatic status in the United States, you do not need to submit evidence of financial support.

### Additional Evidence Requirements

As an individual born in diplomatic status, you must submit evidence showing you meet certain requirements specific to this registration category. Therefore, in addition to the evidence listed in the **What Evidence Must You Submit with Form I-485** section, you must also submit:

1. Official confirmation of the diplomatic classification and occupational title of your parent at the time of your birth;
2. A list of all your arrivals in and departures from the United States;
3. Proof of your continuous residence in the United States; and
4. 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).

### Evidence of Diplomatic Status

International law states that individuals born in the United States to a foreign diplomatic officer accredited to the United States are not subject to the jurisdiction of the United States. You are also not a U.S. citizen under the Fourteenth Amendment to the Constitution. However, you may be considered a lawful permanent resident at birth.

If one of your parents was listed on the Blue List at the time you were born in the United States, you may file Form I-485 in this category. Both parents do not have to be listed on the Blue List. The Blue List is available at **www.state.gov/s/cpr/rls/dpl/**. 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.

### Evidence of Continuous Residence

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.

You may establish continuous residence in the United States since entry even if you have made numerous brief departures from the United States. 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;

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.