Adjudicator's Field Manual

NOTE: The USCIS Policy Manual is our centralized online repository for immigration policies. We are working quickly to update and move material from the Adjudicator's Field Manual to the Policy Manual. Please check that resource, along with our Policy Memoranda page, to verify information you find in the Adjudicator's Field Manual. If you have questions or concerns about any discrepancies among these resources, please contact PolicyFeedback@uscis.dhs.gov.

Chapter 23 Adjustment of Status to Lawful Permanent Resident.

23.1 Prior Law and Historical Background, has been superseded by USCIS Policy Manual, Volume 7: Adjustment of Status as of February 25, 2016.

23.2 General Adjustment of Status Issues, has been superseded by USCIS Policy Manual, Volume 7: Adjustment of Status as of February 25, 2016.

23.3 [Reserved] Chapter 23.3, Reserved, has been superseded by USCIS Policy Manual, Volume 7: Adjustment of Status as of February 25, 2015.

23.4 Presumption of Lawful Admission and Creation of Record under 8 CFR 101, has been superseded by USCIS Policy Manual, Volume 7: Adjustment of Status as of December 21, 2016.

23.5 Adjustment of Status under Section 245 of the Act has been partially superseded by USCIS Policy Manual, Volume 7: Adjustment of Status.

23.6 Refugee and Asylee Adjustment under Section 209 of the Act, has been superseded by USCIS Policy Manual, Volume 7: Adjustment of Status as of March 4, 2014.

23.7 Registration of Lawful Permanent Residence under Section 249 of the Act, has been superseded by USCIS Policy Manual, Volume 7: Adjustment of Status as of December 21, 2016."

23.8 Section 289 Cases has been superseded by USCIS Policy Manual, Volume 7: Adjustment of Status as of May 15, 2020.

23.9 Section 7 of the Central Intelligence Agency Act of 1949 Cases

23.10 Adjustment of Status under Section 13 of the Act of September 11, 1957 (8 U.S.C. 1255b)

23.11 Cuban Adjustment Act Cases

23.12 Adjustment of Status under NACARA (sec. 202 of Pub L 105-100)

23.13 Adjustment of Status under HRIFA (sec. 902 of Pub L 105-277)

23.14 Adjustment of Status for Certain Syrian Nationals Granted Asylum

23.1 Prior Law and Historical Background, has been superseded by USCIS Policy Manual, Volume 7: Adjustment of Status as of February 25, 2016.

23.2 General Adjustment of Status Issues, has been superseded by USCIS Policy Manual, Volume 7: Adjustment of Status as of February 25, 2016.

23.3 Reserved has been superseded by USCIS Policy Manual, Volume 7: Adjustment of Status as of February 25, 2015.

23.4 Presumption of Lawful Admission and Creation of Record under 8 CFR 101, has been superseded by USCIS Policy Manual, Volume 7: Adjustment of Status as of December 21, 2016.

23.5 Adjustment of Status under Section 245 of the INA.

The following sections of Chapter 23.5, Adjustment of Status under Section 245 of the Act, have been superseded by USCIS Policy Manual, Volume 7: Adjustment of Status as of February 25, 2016:

- (a) General
- (b) Eligibility
- (d) Section 245(k) of the Act: Exemptions to the 245(c)(2), (c)(7) and (c)(8) Bars to Adjustment for Certain Employment-Based Adjustment of Status Applicants
- (k) Dependents of Adjustment Applicants and Immigrant Visa Holders
- (p) Precedent Decisions Pertaining to Adjustment of Status

Chapter 23.5(c), Section 245(i) of the Act: Exemptions to the Section 245(a) and 245(c) Bars to Adjustment for Certain Aliens, has been superseded by USCIS Policy Manual, Volume 7: Adjustment of Status as of December 8, 2020.

(a) General.

This section has been superseded by USCIS Policy Manual, Volume 7: Adjustment of Status as of February 25, 2016

(b) Eligibility.

This section has been superseded by USCIS Policy Manual, Volume 7: Adjustment of Status as of February 25, 2016

(c) Section 245(i) of the Act: Exemptions to the Section 245(a) and 245(c) Bars to Adjustment for Certain Aliens .

This section has been superseded by USCIS Policy Manual, Volume 7: Adjustment of Status as of December 8, 2020.

(d) Section 245(k) of the Act: Exemptions to the 245(c)(2), (c)(7) and (c)(8) Bars to Adjustment for Certain Employment-Based Adjustment of Status Applicants .

This section has been superseded by USCIS Policy Manual, Volume 7: Adjustment of Status as of February 25, 2016

(e) Relative-Based Adjustment Cases . [Chapter 23.5(d) revised 04-03-2006, AD05-34]

(1) General .

Adjudication of relative-based petitions is discussed in Chapter 21 of this *field manual* . If the petition has not already been adjudicated, it is your responsibility to do so before considering the adjustment application. If the petition was already adjudicated and approved, your responsibility as the adjudicator of the adjustment application is to satisfy yourself that the alien remains eligible for the classification granted by that petition. If the petition is based on a blood relationship and the alien is no longer entitled to the classification (perhaps he or she has "aged out"), see whet her the alien is entitled to automatic conversion to some other classification (see 8 CFR 204.2(i)). If he or she is not eligible for such conversion, revoke the approval of the petition under section 205 of the Act (see Chapter 20.2 of this *field manual*).

If the petition is based on a marital relationship, question the party or parties sufficiently to satisfy yourself that the relationship continues to exist. If it has been terminated through annulment, divorce, or death, revoke the petition.

Furthermore, if the wedding upon which the marriage-based adjustment application is based occurred less than 2 years before the date on which adjustment is granted, the adjusting alien becomes a conditional permanent resident. See Chapter 25 of this *field manual* for a discussion of the procedures for seeking removal of those conditions.

(2) Aliens who Benefit as Immediate Relatives under

Section 1703 of Public Law 108-136.

(A) Eligibility

An alien who qualifies for a benefit under section 1703 of Public Law 108-136 (see Appendix 21-4) is

considered an immediate relative for purposes of adjustment of status under section 245 of the Act. The adjudicator may adjust the status of such alien if the alien is:

(i) the beneficiary of an approved Form I-360 filed in accordance with the requirements of section 1703 of Public Law 108-136 , which classifies the beneficiary as an immediate relative of a U.S. citizen; or

(ii) the beneficiary of an approved Form I-130 filed by a qualifying LPR granted posthumous citizenship under section 329A of the Act or an approved Form I-360 self-petition filed in accordance with the requirements of section 1703 of Public Law 108-136 which classifies the beneficiary as an immediate relative.

(B) Adjustment of Status Applications Filed Prior to the Death of the Qualifying Alien Granted Posthumous Citizenship under section 329A of the Act .

Section 1703(b) of Public Law 108-136 provides that the applications for adjustment of status filed by certain alien spouses or children prior to the death of the qualifying alien granted posthumous citizenship may be adjudicated as immediate relative applications and as if the death had not occurred.

(i) The alien spouse, child, or parent's Form I-485 must have been pending prior to the death of the petitioner. The adjudicator will generally not become aware of the death of the alien petitioner until the adjudication of the application for adjustment of status. Therefore, either prior to adjudication or at the time of adjudication, the alien should demonstrate that he or she remains eligible for adjustment of status based on section 1703(b) of Public Law 108-136 and provide documentation of his or her eli gibility.

(ii) If the adjudicator becomes aware of any Form I-485 that has been denied because of the death of the petitioner that would have otherwise been approved under the terms of section 1703 of Public Law 108-136, the adjudicator may move to reopen such a case. Similarly, an alien who believes his or her previously denied application now qualifies under section 1703 may file a motion to reopen with the adjudicating office. If that application meets all the other statutory and procedural requirements and falls wit hin the terms of Public Law 108-136, including the effective date provision of September 11, 2001, the adjudicator may reopen and approve the case.

(iii) The adjudicator will only reopen a Form I-485 that was filed based on a qualifying family relationship to the deceased alien. In addition, given that USCIS does not have jurisdiction over a Form I-

485 where the alien is in deportation or removal proceedings, such application will not be considered for reopening or determining an alien's eligibility under section 1703.

(C) Jurisdiction and Filing Instructions .

(i) Refer to chapter 21.11(d)(1) and (2) for jurisdiction pertaining to Form I-360 and Form I-485 , respectively.

(ii) An alien who benefits under section 1703 of Public Law 108-136 should check box "A" in Part 2 of Form I-485. Each alien must file his or her own Form I-485.

(D) Exemption from Section 212(a)(4) of the Act, Public Charge Ground of Inadmissibility .

An alien who qualifies for a benefit under section 1703 of Public Law 108-136 is exempt from section 212(a)(4) of the Act, public charge. Therefore, the alien is not required to execute and submit Form I-864 as part of his or her application for adjustment of status.

(f) Employment-based Adjustment Cases . [Revised 01-23-2007]

(1) Background.

Adjudication of employment based petitions is covered in Chapter 22 of this *field manual* . Assuming that the petition was already adjudicated and approved, your responsibility as the adjudicator of the adjustment application is to satisfy yourself that the alien remains eligible for the classification granted by that petition. If the alien is already working in the position described in the petition, verify the duties performed, wages paid, and other aspects of the petition. If there are significant discrepancies which show that the alien is performing lesser duties, receiving lower wages, o r is in other ways not meeting the criteria set forth in the petition, consider revocation of the petition under section 205 of the Act (see Chapter 20.2)

(2) Conditional Permanent Resident .

If the adjustment application is based on an employment creation petition under section 203(b)(5) of the Act, the adjusting alien becomes a conditional permanent resident. As such, he or she must seek removal of the conditions on his or her residence by filing an I-829 , Petition by Entrepreneur to Remove Conditions, within 90 days prior to the second anniversary of the date on which he or she is granted residence. (See AFM Chapter 25 for a discussion of the procedures for seeking removal of those conditions.) In placing conditions upon the alien's residence, Congress recognized (among other issues) the potential for fraud and the need for increased vigilance to combat it. It is of utmost importance that you, as the adjudicator handling the application for adjustment (and perhaps the Form I-829 petition) exercise such increased vigilance, and avoid the mind-set that combating fraud is the job of the adjudicator who will be handling th e removal of conditions petition two years hence.

(3) National Interest Waiver Physicians.

(A) Concurrent Filing .

The provisions of the statutory amendment at section 203(b)2(B)(ii) of the Act and USCIS regulations at 8 CFR 245.2(a)(2) and 204.5(n) allow for a physician to concurrently file an I-140 petition and an I-485 adjustment of status application (if an immigrant visa number is immediately available) prior to the date by which the physician has completed the 3 or 5-year service requirement. USCIS may not grant final approval of the adjustment application (nor should a visa be issued) until the physician has served his or her 3 or 5 years of aggregate service in a medically underserved area or VA facility. See section 203(b)(2)(B)(ii)(II) of the Act and 8 CFR 245.18(b)(2) . In the case of physicians still in J-1 status, the regulation allows for concurrent filing of the I-140 and I-485 while still in J status; however, the application for permanent residence for such physicians cannot be approved until the conditions for the J-1 waiver are met.

(B) Authorized period of stay with pending adjustment application .

With an approved I-140 petition as a national interest waiver physician and a pending adjustment application, NIW physicians are in an authorized period of stay while serving the 3 or 5 years of aggregate medical service, assuming that they satisfy the interim evidence requirement demonstrating meaningful progress towards completing the medical service requirement. See 8 CFR 245.18(d)(2) and the discussion below concerning interim evidence of compliance.

(C) Eligible for Employment Authorization Document .

With an approved I-140 and during the pendency of the adjustment application, NIW physicians are eligible for an Employment Authorization Document (EAD). See 8 CFR 274a.12(c)(9) and 245.18(d) . NIW physicians must seek an EAD in order to provide the qualified medical service if the physicians are not already authorized to perform such services pursuant to a lawful nonimmigrant status. NIW physicians should submit the application for an EAD (Form I-765) simultaneously with the adjustment application to ensure timely processing.

EAD issuance is discretionary under 8 CFR 274a.13(d) . To ensure that the physician intends to pursue and complete the type of medical service for which such immigration arrangements are based, USCIS may use its discretion to serve an RFE , requesting evidence of meaningful progress toward completing the NIW employment obligation or of plans to use the EAD for the purpose of completing the medical service obligation.

Such evidence may include documentation of employment in any period during the previous 12 months (e.g. copies of W-2 forms). If there are any breaks in the NIW qualified employment in the previous 12 months, USCIS may request that the physician provide an explanation and proof of the reasons for the breaks and evidence of intent to work in the NIW employment during the period requested for employment authorization. USCIS will be updating the instructions for Form I-485 to reflect this additional evidence as "initial evidence" required for EAD renewal for NIW physician applicants.

Upon reviewing the evidence, USCIS officers may deny employment authorization to a physician who is not making meaningful progress toward the service obligation or where USCIS determines that the physician is using the pending adjustment application solely as a means for employment in areas or occupations other than medical service in the designated shortage areas. A physician is not required to complete the medical service obligation within a set time, but he or she is not entitled to use the NIW process to obtain employment authorization to pursue other work instead of that obligation.

(D) Advance Parole .

Physicians with pending adjustment applications may apply for advanced parole if they desire to travel during the respective 3 or 5-year service requirement period, and if they no longer have a valid

nonimmigrant visa. 8 CFR 245.18(k) sets out the procedures that alien physicians must follow in order to obtain a travel document. Possession of an approved I-131 , however, does not guarantee re-admission to the United States. A physician must still establish that he or she is admissible upon re-entry to continue pursuit of the pending adjustment application.

(E) Unique Requirements for Adjustment of Status .

Officers need to be aware unique processing differences for these physicians as opposed to other adjustment applicants.

NIW physicians cannot adjust to permanent resident status until the physician has completed 3 or 5 years of aggregate service in a medically undeserved area or VA facility. USCIS issued interim regulations to define the special requirements for the National Interest Waiver physicians as they pursue meaningful progress towards their 3 or 5-year medical service obligation.

In *Schneider v. Chertoff* , 450 F.3d 944 (9th Cir. 2006) http://www.ca9.uscourts.gov/coa/newopinions.nsf/8D6FA79CBF6F8F9B88257186004BF3D0/$file/0455689.pdf?openelement , certain provisions of the interim regulations were overruled, and USCIS subsequently decided to implement the court decision nationally. Thus, officers should refer to the policy memorandum titled, "Interim guidance for adjudicating national interest waiver (NIW) petitions and related adjustment applications for physicians serving in medically undeserved areas in light of *Schneider v. Chertoff* , 450 F.3d 944 (9th Cir. 2006)," dated January 23, 2007 .

(i) Delayed procedural requirements

· Delayed fingerprints . Physicians will be scheduled for fingerprinting at an Application Support Center after the submission of evidence documenting the completion of the 3 or 5 years of aggregate service. See 8 CFR 245.18(c) .

· Delayed medical report . Physicians will submit the required adjustment medical report, Form I-693, with the evidence submitted at the conclusion of the period of aggregate medical service. See 8 CFR 245.18(c) .

(ii) Counting of the 3 or 5 years of medical practice .

Any qualifying employment in shortage areas and in Veteran Affairs facilities prior to and after the approval of the I-140 that was not performed while in J-1 nonimmigrant status shall count towards the medical service requirement as long as the employment was authorized and the service meets the regulatory criteria established in 8 CFR 204.12(a) .

Physicians must provide a public interest letter from the state department of health or VA certifying that the medical service provided by the physician at the facility was or is in the public interest. The certification must explicitly cover any past periods of employment that the physician wishes to have credited towards his or her service requirement, and must make a present statement for purposes of qualifying future medical service employment. Additionally, the physician must show that, at least at the time the work commenced, the work was in an HHS-designated shortage area or VA facility.

For pending adjustment applications for NIW physicians with an approved Form I-140, adjudicators may issue a request for evidence (RFE) to physicians to provide information on employment prior to the approval of the Form I-140.

A physician who has completed the service requirement and is submitting supplementary filings as part of his or her adjustment of status application per 8 CFR 245.18 also may submit retroactive certification or attestation letters from relevant states' department of health or a VA hospital showing that any full-time medical employment completed prior to the approval of the immigrant petition was in fact in the public interest. USCIS will not accept certification letters from local health departments. A public interest letter provided by a state department of health or by the VA as part of a J-1 waiver application of the foreign residency requirement may also be used to prove that past employment was in the national interest.

(iii) Notification Requirement Upon Filing of Form I-485 .

Upon receipt and during the pendency of the I-485 , USCIS may issue supplemental documents to the physician, outlining medical service requirements for completing the adjustment process. See 8 CFR 245.18(f) .

(iv) Interim Evidence of Compliance with Employment Requirement .

Although there is not an absolute time within which the service obligation must be completed, physicians with a 5-year service requirement must provide interim evidence of compliance with the medical service requirement at the post 2-year and 6-year anniversary, if necessary, from the date of the I-140 approval. Physicians with only the 3-year service requirement do not have to submit interim evidence at the 2nd anniversary since they need only submit evidence within 120 days after completing the 3-year service requirement. Normally, the physician must submit employment documentation and an employer attestation letter showing that the physician is complying with the statutory scheme of the Nursing Relief Act and the national interest waiver obligation.

Officers should review the evidence and based on the totality of the circumstances, determine if the physician has been complying with the purposes of the Nursing Relief Act. Evidence of compliance may include (1) employment documentation such as individual federal income tax returns and W-2 forms as proof of the amount of medical service the physician has completed; (2) a contract, an employer's statement of understanding, or a commitment to self-employment as proof of a commitment to complete the medical service in the shortage area; (3) explanation and proof concerning any breaks in, or any delay in the commencement of, the full-time medical service employment; and (4) proof of other valid immigration status under which any non-qualifying employment has been or is being performed.

Physicians are required to submit the interim evidence within 120 days of the 2-year and 6-year, if necessary, anniversary of the I-140 approval; however, an officer at his or her own discretion may excuse submission delays. See 8 CFR 245.18(g) .

Officers should pay particular attention to whether the physician is using his or her presence in the United States pursuant to an application for adjustment of status based on national interest waiver petition to pursue other activities instead of full-time medical service in shortage areas. If the physician fails to submit sufficient evidence of compliance, USCIS officer may issue a request for evidence.

· If a physician fails to provide any evidence or fails to respond to the Request for Evidence, the I-485 may be denied for abandonment.

· A determination that a physician has failed to comply with the statutory purpose of the Nursing Relief Act may be considered a negative factor that could result in denial of adjustment in the exercise of discretion.

· USCIS officer may revoke a petition if the adjudicator determines that the physician who is the beneficiary of the I-140 does not intend to complete the NIW requirements, that he or she never intended to complete the requirements, or for any other applicable bases for revocation of a petition as permitted under section 205 of the Act and enumerated in 8 CFR 205 .

(v) Evidence for Finalizing the Adjustment of Status .

Within 120 days of completing the 3 or 5-year medical service requirement, the physician must submit all documentation to finalize the adjustment of status application. The documentation includes proof of employment and the required medical examination report. See 8 CFR 245.18(h) and 8 CFR 245.5 . A physician cannot be scheduled for fingerprinting until the final documentation is submitted. The adjustment application cannot be approved without this set of required evidence. At his or her discretion, an officer may excuse a delay in submitting the final evidence.

(vi) An approved I-140 should not be revoked purely on the basis of failure to complete the service requirement. However, a petition may be revoked based on a finding that the physician does not intend to complete the NIW requirements, that he or she never did intend to complete the requirements, or for any other applicable bases for revocation of a petition as permitted under section 205 of the Act and enumerated in 8 CFR 205 .

(F) Portability .

USCIS is statutorily required to allow the filing of an adjustment application before the completion of the medical service requirement that is a statutory prerequisite to approval of adjustment. See section 203(b)(ii)(II) of the Act. The provisions of section 204(j) of the Act, concerning I-140 portability in the event USCIS takes longer than 180 days to adjudicate an adjustment application, do not apply to NIW physicians.

(G) Adjustment Interview .

USCIS shall decide if the physician should be interviewed before finalizing the adjustment application. Officers shall follow the procedures found in 8 CFR 245.6 and policy guidance regarding waivers of the adjustment interview, and apply them accordingly to these cases. See 8 CFR 245.18(j) .

(H) Non-compliance and Denials .

Physicians who fail to comply with the interim evidence requirement at the 2-year post approval of the I-140 may have their I-485 denied and I-140 approval revoked. An officer at his or her discretion may excuse a delay in submitting the required evidence of completed medical service.

(I) Service Center Protocol for Storing Files .

Since the adjustment applications for these physicians will need to remain open and pending for over 3 or 5 years, the Service Centers will need to undertake special procedures for storing these A-files. In particular, each Service Center must dedicate a special area to house these files. The appropriate product line within each Service Center will be responsible for ensuring that all required notices to the applicant are processed in a timely fashion.

(J) Further Guidance .

Officers with questions about this guidance or the provisions of the statutory amendment should be directed through appropriate channels to HQSCOPS.

(g) Fiancé(e) Adjustment Cases .

While K-1 and K-2 aliens adjust under section 245 of the Act, they are also subject to the provisions of section 216 of the Act. Accordingly, the adjusting alien becomes a conditional permanent resident, unless the marriage between the adjustment applicant and the petitioning fiancé(e) is at least 2 years old at the time adjustment is granted. See AFM Chapter 25 for a discussion of the procedures for seeking removal of those conditions.

(h) Diversity Immigrant Visa cases .

Chapter 23.5(h), Diversity Immigrant Visa Cases, has been superseded by USCIS Policy Manual, Volume 7: Adjustment of Status as of June 28, 2024.

(i) Lautenberg Cases .

Beginning in August 1988, it has been the policy of INS and USCIS to offer humanitarian parole to certain individuals who have been found to be ineligible for refugee classification. Persons eligible for this parole option must be from the former Soviet Union, or from Estonia, Latvia or Lithuania, and include (but are not necessarily limited to) Jews, Evangelical Christians, and Ukrainian Christians of the Orthodox and Roman Catholic denominations. Additionally, prior to mid-1994, similar paroles were also offered to certain Vietnamese, Cambodians, and Laotians. Under a provision of law (commonly referred to as the "Lautenberg Amendment") first included in the Department of State appropriation bill for fiscal year 1990 and renewed annually ever since, after one year in the U.S., these parolees can apply for adjustment of status to that of LPR under section 245 of the Act, without regard to visa availability. In order to determine whether a paroled alien qualifies for adjustment under the Lautenberg amendment, it is necessary to review his or her A-file. If the issue of whether his or her parole qualifies under the Lautenberg amendment is still unclear after reviewing the file, contact the Headquarters Office of International Affairs by fax. Your fax should explain that you are seeking confirmation of the alien's claimed Lautenberg status and include basic biographical information (name, date and place of birth, and A-file number). The regulations covering Lautenberg adjustments are found at 8 CFR 245.7 .

(j) Adjustment of Status by S Nonimmigrants .

Under section 245(j) of the Act, USCIS may grant lawful permanent resident status to certain persons who have been admitted to the U.S. under the "S" nonimmigrant classification described in section 101(a)(15)(S) of the Act. Such cases are always handled through the ICE Headquarters in coordination with the Department of Justice and alien's sponsoring law enforcement agency. No alien may initiate an application for adjustment of status under this provision, and (unless specifically called upon by ICE) your office will have no involvement in any Section 245(j) case. Should an alien independently attempt to file an application for adjustment under Section 245(j) through your office, advise him or her that he or she m ay not do so; if an application for adjustment has been filed independently by an alien through your office, deny the application for the reason that the applicant has neither established that he or she is in possession of a current preference number as required by section 203 of the Act nor established that he or she is exempt therefrom. Any questions regarding this matter should be directed to the ICE. See also 8 CFR 245.11 and Chapter 41.4 of the *Special Agent's Field Manual* .

(k) Dependents of Adjustment Applicants and Immigrant Visa Holders .

This section has been superseded by USCIS Policy Manual, Volume 7: Adjustment of Status as of February 25, 2016

(l) VAWA-based Adjustment of Status Applications . **[Added 04-11-08, AD08-16]**

Under section 245(a) of the Act, the alien beneficiary of a VAWA self-petition may apply for adjustment of status even if the alien is present without inspection and admission or parole. USCIS has determined that this special provision in section 245(a) of the Act, in effect, waives the VAWA self-petitioner's inadmissibility under section 212(a)(6)(A)(i) for purposes of adjustment eligibility. Thus, a USCIS adjudicator will not find, based solely on the VAWA self-petitioner's inadmissibility un der section 212(a)(6)(A)(i) , that the VAWA self-petitioner cannot satisfy the admissibility requirement in section 245(a)(2) of the Act. The VAWA self-petitioner is *not* required to show a "substantial connection" between the qualifying battery or extreme cruelty and the VAWA self-petitioner's unlawful entry.

As with adjustment applicants under section 245(i) of the Act, this interpretation applies only to inadmissibility under section 212(a)(6)(A) of the Act. *Cf. Matter of Briones,* 24 I&N Dec. 355 (BIA 2007). A VAWA self-petitioner who, by repeated violations of the Act, has made himself or herself inadmissible under section 212(a)(9) of the Act may obtain adjustment of status only if the VAWA self-petitioner applies for, and obtains, the related form of relief from inadmissibility. *Cf.* section 212(a)(9)(A)(iii) , (B)(iii)(IV) , (9)(C)(iii) of the Act.

(m) Clarification of the requirement for form I-508, Waiver of Rights, Privileges, Immunities, and Exemptions Under Section 247(b) of the INA. **[Added 08-04-2009, AD09-30]**

A Form I-508 is generally required of A, E, and G nonimmigrants seeking adjustment of status. Foreign government officials, representatives to international organizations, treaty traders and treaty investors may have certain rights, privileges, immunities and exemptions not granted to other nonimmigrants. If such a nonimmigrant seeks adjustment of status they must waive those rights, privileges, immunities and exemptions by filing Form I-508 or, in the case of French nationals, Form I-508F .

Section 247(b) of the INA was written prior to the creation of the E-3 classification. An E-3 nonimmigrant, Australian specialty occupation worker, although classifiable under section 101(a)(15)(E) of the INA, has no special rights, privileges, immunities or exemptions to waive and therefore is not required to submit Form I-508 .

Section 247(b) of the INA was written prior to the creation of the E-3 classification. An E-3 nonimmigrant, Australian specialty occupation worker, although classifiable under section 101(a)(15)(E) of the INA, has no special rights, privileges, immunities or exemptions to waive and therefore is not required to submit Form I-508 .

(n) Adjustment of Status by T Nonimmigrants **[Added 07-21-2010, AD 10-38, PM-602-0004]**

Chapter 23.5(n), Adjustment of Status by T Nonimmigrants, has been superseded by USCIS Policy Manual, Volume 7: Adjustment of Status as of November 21, 2024.

(o) Adjustment of Status by U Nonimmigrants.

(1) Eligibility.

(A) [Reserved]

(B) [Reserved]

(C) Unreasonable Refusal to Assist in the Investigation of Prosecution. USCIS will determine whether the applicant has unreasonably refused to provide assistance in the investigation or prosecution of the qualifying criminal activity. In its descretion, USCIS may consult the Attorney General in making a determination that affirmative evidence demonstrates that the applicant unreasonably refused to provide assistance to a State or local law enforcement official, State or local prosecutor, State or local judge, or other State or local authority investigating or prosecuting qualifying criminal activity.

(D) Physical Presence and the Commonwealth of the Northern Mariana Islands. A U nonimmigrant will not be considered to have failed to maintain continuous physical presence if the applicant was granted U nonimmigrant status and resided in the Commonwealth of the Northern Mariana Islands (CNMI), whether before or after November 28, 2009. For U nonimmigrants in the CNMI, the three year continuous physical presence required for adjustment of status begins to accrue when the application for U nonimmigrant status is granted, even if the applicant was not actually admitted in U nonimmigrant status.

(p) Precedent Decisions Pertaining to Adjustment of Status .

This section has been superseded by USCIS Policy Manual, Volume 7: Adjustment of Status as of February 25, 2016

23.6 Refugee and Asylee Adjustment under Section 209 of the Act, has been superseded by USCIS Policy Manual, Volume 7: Adjustment of Status as of March 4, 2014.

23.7 Registration of Lawful Permanent Residence under Section 249 of the Act, has been superseded by USCIS Policy Manual, Volume 7: Adjustment of Status as of December 21, 2016.

23.8, Section 289 Cases, has been superseded by USCIS Policy Manual, Volume 7: Adjustment of Status as of May 15, 2020.

23.9 Section 7 of the Central Intelligence Agency Act of 1949 Cases.

Under Section 7 of the Central Intelligence Agency Act of 1949, the director of that agency, in coordination with the Attorney General and the Director of USCIS, may grant lawful permanent resident status to a limited number of aliens each year. Such cases are always initiated by the CIA and are handled through the ICE Office of Intelligence, Liaison Projects Unit. No alien may initiate an application for adjustment of status under Section 7, and (unless specifically called upon by ICE Intelligence) your of fice will have no involvement in any Section 7 case. Should an alien attempt to file an application for adjustment under Section 7 through your office, advise him or her that he or she may not do so; if an application for adjustment has been filed through your office, reject (if possible) or deny (if necessary) the application for the reason that the applicant has neither established that he or she is in possession of a current preference number as required by section 203 of the Act nor established that he or she is exempt therefrom. (Note, however, that the alien would not be precluded from filing under any other section of law for which he or she believes he or she may be eligible).

23.10 Adjustment of Status under Section 13 of the Act of September 11, 1957 (8 U.S.C. 1255b).

(a) General. Any nonimmigrant admitted to the United States under paragraph (A)(i), (A)(ii), (G)(i) or (G)(ii) of section 101(a)(15) of the Act may apply for adjustment of status to that of an alien lawfully admitted for permanent residence under Section 13 of Public Law 85-316 of 9/11/1957 (which is codified at 8 U.S.C. 1255b and commonly referred to simply as "Section 13") and 8 CFR 245.3.

Adjustment of Status under Section 13 requires:

- Admission to the United States as an A-1, A-2, G-1, or G-2 nonimmigrant;
- Performance of work which is diplomatic or semi-diplomatic in nature (or having been an immediate family member of a principal alien who performed diplomatic or semi-diplomatic duties);
- Failure to maintain diplomatic status;
- Compelling reasons for an inability to return to the country which accredited the alien (or being the immediate family member of a principal alien who has demonstrated such compelling reasons for an inability to return to the country which accredited him);
- Good moral character;
- Admissibility to the United States; and
- A finding that adjustment is in the national interest of the United States and not contrary to the national welfare, safety, or security.

(c) Staging. NBC will obtain or create the A-file for the principal applicant and all dependents, assemble the file, initiate the requisite record checks, and forward the entire A-file(s) to the local office with jurisdiction over the principal applicant's place of residence for an interview.

(d) Interview. A USCIS officer must interview all applicants, other than minor children. As part of the Section 13 interview, an officer must:

- Place the applicant(s) under oath;
- Review the application(s) and all supporting documents for completeness and authenticity; and
- Take a sworn statement from the principal applicant only (unless there is reason to believe the circumstances of the immediate family member may be materially different) regarding the eligibility criteria. A sample copy of suggested basic questions used in taking the sworn statement is contained in Appendix 23-5 of this field manual. The interviewing officer may ask any other questions that he or she believes will help determine eligibility for adjustment (e.g., questions

relating to the applicant's possible adjustment under another section of law, good moral character, and admissibility).

Note: In view of the annual limitation of 50 on the number of aliens whose status may be adjusted under Section 13, any alien who at the time of the interview appears to be prima facie eligible for adjustment of status to that of a lawful permanent resident under another provision of law shall be advised to apply for adjustment under that other provision (8 CFR 245.3).

After completing the interview, the USCIS Field Office will forward the entire A-file to NBC for final adjudication. The A-file must contain the following items:

- Completed Form I-485, Application to Register Permanent Residence or Adjust Status;
- Completed Form I-566, Interagency Record of Request -- A, G or NATO Dependent Employment Authorization or Change/Adjustment to/from A, G or NATO Status;
- Completed Form I-508 (or Form I-508F in the case of a French national), Waiver of Rights, Privileges, Exemptions and Immunities under Section 247(b) of the INA;
- Copy of the sworn statement taken by the interviewing officer; and
- Any other relevant evidence submitted by the applicant.

(e) Consultation. NBC will submit the packet containing the Form I-566, Form I-508 (or Form I-508F), and a copy of sworn statement and/or other relevant evidence to DOS's Office of Public and Diplomatic Services for consultation. Upon receipt of DOS's response, NBC must review the application and all supporting documentation to prepare a final decision for the case. USCIS is not bound by DOS's recommendation and may make an independent determination. This decision must be communicated in writing to the applicant and any authorized representative.

(f) Adjudication.

1. Merits Review. NBC will review the case to determine whether it meets the statutory and regulatory requirements for approval.
2. Numerical Control. NBC must ensure that USCIS does not exceed the annual numerical limitation for Section 13 cases (50 cases, including dependents). Accordingly, NBC will assign a separate fiscal year charge number to:

- The principal's case; and
- Each associated dependent case.

Once 50 charged numbers have been issued in a fiscal year, no more Section 13 cases may be approved until the following fiscal year, even if part of a family unit must wait as a result. For example, if 47 numbers have already been assigned in a fiscal year and the cases of a family of six (principal, spouse, and four children) have passed the merits review, only the cases of the principal, the spouse and the eldest child may be approved. The cases of the three youngest children must wait until the beginning of the next fiscal year to be approved.

3. Approval Decision. If all requirements are met, NBC can approve the case and update the appropriate case management system to generate the Form I-551, Permanent Resident Card. NBC must send a copy of the approval decision (e.g., an automatically generated system notice) to each applicant.

4. Denial Decision. If a case is denied, NBC will notify the applicant of the decision and of the right to appeal under 8 CFR 103. If the decision is appealed, NBC will forward the appeal to the Administrative Appeals Office (AAO) in accordance with established procedures. If no appeal is received within the prescribed time limit, the case will be processed for issuance of a Form I-862, Notice to Appear, if needed.

(g) Reporting Requirements. NBC is responsible for tracking all Section 13 approvals and denials. In reference to approvals, NBC is also responsible for preparing the monthly report to Congress required by Section 13(c) and e mailing it to the Field Operations Directorate (FOD) AOS & Legalization Branch mailbox (OFO AOS & Legalization), on the last day of each month. The FOD Adjustment of Status Branch is responsible for submitting the report to the USCIS Office of the Executive Secretariat for Headquarters review, approval, and transmission to DHS.

23.11 Cuban Adjustment Act Cases.

(a) General.

The Cuban Adjustment Act (Public Law 89-732) (CAA) became law on November 2, 1966. Section 1 of the Act was designed to permit thousands of Cuban refugees to adjust to lawful permanent residence. Most of these Cubans were parolees or nonimmigrants who could not return to Cuba for political reasons, but could not seek residence through other means. Similar laws have been passed over the years for other nationalities as well, e.g., Public Law 101-167 (for former nationals of the Soviet Union, Laotians, Cambod ians, and Vietnamese).

The Victims of Trafficking and Violence Protection Act of 2000 (Pub. L. 106-386) (VAWA 2000) and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Pub. L. 109-162) (VAWA 2005), amended the CAA to provide continued eligibility for adjustment of status as the battered or abused spouse or child under section 1 of the CAA. Under certain circumstances, abused spouses or children may remain eligible for adjustment of status even where the:

- Spouse or child is not currently residing with the qualifying Cuban principal; [1]

- Marital relationship was terminated (by divorce, annulment, etc.) not more than 2 years ago; or

- Qualifying Cuban principal died not more than 2 years ago.

A spouse or child must demonstrate by providing any credible evidence that he or she was the subject of abuse or extreme cruelty by the qualifying Cuban principal, during the relationship, to qualify for the VAWA eligibility provisions for adjustment of status under the CAA.

[1] A qualifying Cuban principal is one who: 1) Was inspected and admitted or paroled into the United States after January 1, 1959; 2) Was physically present in the United States for at least 1 year; 3) Is eligible to receive an immigrant visa; 4) Is admissible to the United States for lawful permanent residency; and 5) Has applied for, and is eligible for, adjustment of status; or Has adjusted status, whether under the CAA or another adjustment of status provision.

(b) Eligibility .

In order to be granted adjustment under the CAA, an applicant must:

(1) Be a native or citizen of Cuba. An applicant could meet this requirement through any one of several different means. He or she could be:

· A person who was born in Cuba, and is still a citizen of Cuba;

· A person who was born in Cuba, but later became a citizen of some other country or became stateless;

· A person who was born on the U.S. Navy Base at Guantanamo Bay, Cuba. Whether this person is or ever was considered to be a citizen of Cuba by the Cuban government, and regardless of any claims to other nationalities he or she might have through his or her parents, he or she is a native of Cuba simply by being born there. (For example, there were a number of pregnant women among those persons who fled Haiti in the 1990s and were subsequently intercepted at sea by the Coast Guard and transported to the Navy B ase at Guantanamo Bay to await immigration processing. The babies born of those women at Guantanamo Bay meet this requirement.)

· A person who was born outside of Cuba but has become a naturalized citizen of Cuba.

· A person who was born outside of Cuba to a Cuban parent, and who has satisfied all Cuban legal requirements for the acquisition of Cuban citizenship.

Principal applicants must submit evidence of being a Cuban native or Cuban citizen.

(2) Have been inspected and admitted or paroled into the U.S. after January 1, 1959. Any inspection and admission or parole, regardless of the classification of admission or purpose of parole, meets this requirement. See generally **Matter of Alvarez-Riera** , 12 I. & N. Dec. 112 (BIA 1967) ; **Matter of Rodrigue z,** 12 I. & N. Dec. 549 (R.C. 1967) ; **Matter of Martinez-Monteagudo** , 12 I. & N. Dec. 688 (R.C. 1968) .

(3) Have at least one year of aggregate physical presence in the U.S. before applying for benefits under section 1 of the CAA (amended from two years by the Refugee Act of 1980). However, if an applicant was

admitted or paroled and later departed from the U.S. temporarily with no intention of abandoning his or her residence, and was readmitted or reparoled upon return, the temporary absence shall be disregarded for purposes of the applicant's "last arrival" into the U.S. See **8 CFR 245.2(a)(4)(iii)** and **Matter of Riva ,** 12 I. & N. Dec. 56 (R.C. 1967) . Factors to consider in determining whether the applicant did in fact have an unabandoned residence in the U.S. are: the duration of the trip abroad; the purpose of the trip; how long the applicant was in the U.S. before departure; and the applicant's family or employment ties in the U.S. Bear in mind, of course, that a subsequent reentry on a nonimmigrant visa to an "unabandoned residence" may have been accomplished by fraud.

(c) Discretion .

An application for adjustment under the CAA may be denied as a matter of discretion if there are sufficient negative factors to overcome the positive ones (see the discussion on discretion in **subchapter 23.2(d)** and **Chapter 10.15** of this *field manual*). However, in weighing the discretionary factors, keep in mind the nature of the CAA and the political situation in that country (see **Matter of Mesa** , 12 I. & N. Dec. 432 (Dep. Asst. Comm'r, 1967)).

(d) Bars to Adjustment .

The bars to adjustment enumerated in section 245(c) of the Act are inapplicable. Thus, the following aliens may seek adjustment under the CAA:

- Crewmen (see **Matter of Sanabria** , 12 I. & N. Dec. 396 (R.C. 1967));
- Transit without visa passengers;
- Nonimmigrant overstays;
- Aliens who have worked without authorization; and

· Aliens who were admitted as nonimmigrant visitors without visas under section 217 of the Act (the Visa Waiver Permanent Program, formerly known as the Visa Waiver Pilot Program).

(e) Dependents.

(1) General requirements for spouse or child.

The spouse or child of a qualifying Cuban applicant may also seek adjustment under section 1 of the Act regardless of his or her nationality or place of birth. He or she must, however, meet of all the other eligibility criteria stated above, and must reside with the principal applicant. See Matter of Bellido, 12 I. & N. Dec. 369 (R.C. 1967). It is important to note that this is a very different standard from the one relating to spousal visa petition proceedings, where a petitioner need not prove marital viability, but rather that the marriage was valid at its inception.

The adjustment of the spouse or child cannot precede the adjustment of the principal applicant; the adjustment must be completed at the same time as, or subsequent to, the principal's adjustment. *Matter of Quijada-Coto*, 13 I. & N. 740 (BIA 1971). In addition, the qualifying relationship may have been created before or after the principal's adjustment. Matter of Milian, 13 I. & N. 480 (A.R.C. 1970).

While the principal applicant must have adjusted to lawful permanent resident (LPR) status in order for the non-Cuban spouse or child to qualify under the CAA, it is not necessary for the principal applicant to have adjusted under the CAA itself. Adjustment of a Cuban native or citizen to LPR status under any other adjustment provision will also make it possible for the non-Cuban spouse or child to seek adjustment under the CAA.

Finally, the spouse or child of a Cuban applicant is adjusted as an unconditional permanent resident, regardless of the duration of the qualifying marriage. The restrictions of section 216 of the Act do not apply.

(2) Continued eligibility provisions for abused spouse or child (VAWA).

The spouse or child of a qualifying Cuban principal, subjected to battery or extreme cruelty by the qualifying Cuban principal, may seek adjustment of status under section 1 of the CAA without having to demonstrate current residency with the qualifying Cuban principal. The abused spouse or child must have resided with the qualifying Cuban principal at some point during the relationship as spouse or child of the qualifying Cuban principal.

As with all CAA derivatives, a qualifying Cuban principal is an individual who is eligible for and has applied for adjustment of status or has adjusted status to a lawful permanent resident, whether under the CAA or another adjustment of status provision.

An abused spouse or child may adjust status under certain circumstances when the qualifying Cuban principal is not a lawful permanent resident.

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Loss of status. If an LPR has battered or subjected to extreme cruelty the LPR's spouse or child, the spouse or child may file an immigrant visa petition on his or her own behalf. Once the abused spouse or child has filed an immigrant visa petition, the petition remains valid even if the LPR loses his or her LPR status. INA 204(a)(1)(B)(v). The abused spouse may file an immigrant visa petition even *after* the LPR loses status, as long as the spouse files within 2 years of the date the LPR lost status and the LPR lost status "due to an incident of domestic violence." INA 204(a)(1)(B)(ii)(II)(CC)(aaa). Given the ameliorative purpose of the various VAWA provisions, and the lack of a petition requirement for CAA cases, these INA provisions reasonably modify the ordinary rules for CAA adjustment in the case of abused spouses and children of a Cuban principal. For this reason:

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If the Cuban principal loses LPR status at any time *after* the abused spouse or child applied for CAA adjustment, the spouse or child remains eligible for CAA adjustment; and

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If the Cuban principal loses LPR status *before* the spouse or child applies for CAA adjustment, the spouse or child can still apply if the Cuban principal lost LPR status due to an incident of domestic violence *and* the spouse or child applies within 2 years of the date the Cuban principal lost status.

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Divorce. If, at the time of filing, the spousal relationship has been legally terminated (ex. divorce, annulment, etc.) within the past 2 years, the abused spouse remains eligible for adjustment of status under section 1 of CAA provided that:

· There is a demonstrated connection between the legal termination of marriage within the past 2 years and the battery or extreme cruelty perpetrated by the qualifying Cuban principal;

· The abused spouse files an application for adjustment of status under section 1 of the CAA within 2 years of the legal termination of the marriage; and

· The abused spouse resided, at some point during the spousal relationship, with the qualifying Cuban principal.

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Death. As noted, the Cuban principal's death *after* the abused spouse or child has applied for CAA adjustment does not end the applicant's eligibility. Also, if the abused spouse of a Cuban principal lived with the Cuban principal at some point during the spousal relationship, but did not file an application before the Cuban principal's death, the abused spouse will remain eligible for adjustment of status under section 1 of the CAA if the abused spouse applies within 2 years after the death of the *qualifying Cuban principal*.

The provisions in this chapter 23.11(e)(2) concerning the effect of the Cuban principal's loss of status, and of divorce or death apply only to CAA applications filed by abused spouses and children of a Cuban principal.

(f) Admissibility .

The inadmissibility grounds of section 212 of the Act apply, with the exception of **section 212(a)(4)** of the Act (see **Matter of Mesa** , 12 I. & N. Dec. 432 (Dep. Assoc. Comm'r, 1967) , and **sections 212(a)(5)** , and **212(a)(7)** of the Act. Furthermore, on April 19, 1999, INS issued a memorandum to all offices stating that "[t]he policy of the Service is that the inadmissibility ground that is based on an alien's having arrived at a place other than a port of entry *does not* apply to CAA applicants. All Service officers adjudicating CAA applications will do so in accordance with this policy. So long as the applicant meets all other CAA eligibility requirements, it is contrary to this policy to find the alien ineligible for CAA adjustment on the basis of the alien's having arrived in the U.S. at a place other than a designated port of entry." (The entire memorandum is reproduced in **Appendix 23-4** .)

(g) Procedure for Applying .

An applicant must submit:

(1) Form I-485, Application to Register Permanent Residence or Adjust Status.

· The current Form I-485 (Rev. 06/20/13) does not provide an application type for an abused spouse or child of a qualifying Cuban principal. An abused spouse or child must apply for adjustment of status under section 1 of the CAA using Form I-485 and selecting the application type utilized by non-abused spouses and children of a Cuban applicant ("I am the husband, wife, or minor unmarried child of a Cuban…"). Abused spouses and children may select this application type even if they are no longer residing with the qualifying Cuban principal at the time of filing. A VAWA self-petition is not required.

(2) The fee for Form I-485, as specified in **8 CFR 103.7(b)** , or a request for fee waiver in accordance with **8 CFR 103.7(c)** . Fee waiver requests are to be adjudicated in accordance with October 1998 guidance issued by the Executive Associate Commissioner for Field Operations (see **Appendix 10-5**).

(3) Form FD-258, Fingerprint Chart.

(4) 2 Passport-style Photos.

(5) Form I-693, Medical Report.

(6) Form I-643, Health and Human Services Statistical Data Sheet.

(7) A clearance from the local police jurisdiction for any area in the U.S. where the applicant has lived for six months or longer since his or her 14th birthday. See **8 CFR 245.2(a)(3)(i)** .

(h) Proof of Eligibility .

The documentation which must be submitted in support of the application depends, in part, on whether the applicant is a Cuban native or national, or a non-Cuban spouse or child of such applicant:

· A qualifying Cuban applicant must present:

– Evidence of lawful admission or parole into the U.S., e.g., a passport and I-94;

– Evidence of being a Cuban native or Cuban citizen.

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

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

- An expired or unexpired Cuban passport (*Pasaporte de la Republica de Cuba*) that lists the holder's place of birth as being Cuba; and
- A Cuban birth certificate issued by the appropriate civil registry in Cuba.

Evidence of Cuban Citizenship (If Born Outside of Cuba)

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

- An unexpired Cuban passport (*Pasaporte de la Republica de Cuba*);
- Nationality Certificate (*Certificado de Nacionalidad*); and
- Citizenship Letter (*Carta de Ciudadanía*).

A Cuban consular certificate documenting an individual's birth outside of Cuba to at least one Cuban parent is not sufficient evidence to establish Cuban citizenship. This remains true even if the consular certificate states that the individual to whom the certificate was issued is a Cuban citizen.

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.

Note: On November 21, 2017, USCIS issued a policy memorandum rescinding *Matter of Vazquez* as an adopted decision. See Policy Memorandum, PM-602-0154, *Updated agency interpretation of Cuban citizenship law for purposes of the Cuban Adjustment Act; rescission of Matter of Vazquez as an adopted Decision*. Although *Matter of Vazquez* remains rescinded, the 2017 memorandum added to AFM 23.11(b)(1) a list of two documents as examples of acceptable documents to prove Cuban citizenship – a valid Cuban passport and a Cuban Civil Registry document issued in Havana. USCIS updated AFM 23.11 again on August 13, 2019, to provide updates and move the list of examples to AFM 23.11(h).

- A non-Cuban spouse or child must present:

– A passport and I-94 reflecting lawful admission or an I-94 reflecting parole;

– A marriage certificate for the present marriage;

– Evidence of termination of all previous marriages; and

– Evidence that the marriage has not been entered into solely to convey immigration benefits (i.e., with fraudulent intent).

· A non-Cuban child must present:

– A birth certificate;

– If the principal applicant is the child's father, evidence that the child meets the definition of child contained in section 101(b) of the Act (e.g., marriage certificate of the parents, evidence of legitimation, etc.)

· An individual seeking CAA adjustment as the abused spouse or child of a qualifying Cuban principal must present the same evidence of the relationship to the Cuban principal listed above. The individual must also present evidence that the individual has been battered or subjected to extreme cruelty by the Cuban principal.

– USCIS applies the "any credible evidence" provision in INA 204(a)(1)(J) of the Act to VAWA CAA cases.

– A VAWA CAA applicant does not need to file a Form I-360.

– But the evidence that could support a VAWA Form I-360 would also be relevant to a VAWA CAA claim.

– In weighing the evidence the following issues would be most salient:

· Whether the abuse occurred in the relationship;

· Whether the applicant resided with the qualifying Cuban principal at some point during the relationship;

· Whether, if the marriage terminated other than by death, the termination was connected to the claimed abuse;

· Whether, if the principal has died, the applicant filed the Form I-485 within 2 years of the principal's death; or

· Whether, if the principal has lost LPR status, the loss of status was due to an incident of domestic violence.

The VAWA confidentiality requirements of 8 U.S.C. 1367 apply to VAWA CAA applicants just as they do to all VAWA cases.

The adjudicator in his or her sole discretion will determine whether the evidence is credible and the weight to give it.

The VAWA amendments to the CAA do not alter other existing evidentiary standards or requirements applicable to adjustment of status applications (e.g., evidence demonstrating that the spouse or child is the spouse or child of the qualifying Cuban principal, was inspected and admitted or paroled, physically present in the United States for 1 year).

· A non-Cuban abused spouse or child does not need to provide a copy of the qualifying Cuban principal's adjustment of status application. However, the abused spouse or child must provide sufficient information to enable USCIS to verify the qualifying Cuban principal's status or a pending application for adjustment of status under the CAA. Such information may include the following: abuser's full name, date of birth, place of birth, parents' names, alien registration number, Form I-94s, social security number, or other identifying information.

· The burden rests with the applicant to demonstrate by a preponderance of the evidence that he or she is eligible for the benefit sought.

(i) Jurisdiction .

All applications for adjustment of status under the CAA must be filed in accordance with the current Form I-485 instructions. Abused spouses and children do not need to file a separate VAWA self-petition.

The Vermont Service Center's (VSC) VAWA Unit will adjudicate applications for adjustment of status under section 1 of CAA for an abused spouse or child. The VSC may refer the application to the appropriate field office for interview. If the VSC decides to relocate the application for interview, the adjudicating officer will first render an opinion on the abuse determination, and then relocate the individual's A-file to the appropriate field office for a final decision on the adjustment of status application.

(j) Processing Instructions .

(1) Procedures.

Follow the procedural instructions outlined in subchapter 23.4 of this *field manual*.

(2) Class of Admission Updates: "384" For VAWA CAA.

An officer adjudicating an application for adjustment of status under section 1 of the CAA filed pursuant to the VAWA amendments will ensure that the Central Index System (CIS) is properly updated with the appropriate class of admission (COA) 384, used to identify these specially protected cases. If the officer is unable to update the CIS, then the officer must contact the local records office with write access to the CIS to request the update to the COA. The 384 COA is entered in advance of a final decision on the adjustment of status application. Once a final decision is made, the COA is populated to reflect the correct classification (i.e., CU-7 if approved); however, the history screen of the CIS will maintain the previous 384 COA.

(3) Previously filed VAWA self-petition, approved, denied, or pending.

If there is evidence of a previously filed VAWA self-petition, the adjudicating officer must review the entire record prior to making a decision on the application for adjustment of status under section 1 of the CAA.

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A previously approved VAWA self-petition based on the same relationship may be considered persuasive evidence of the existence of abuse in the relationship. Nevertheless, the adjudicating officer should not assume that the alleged abuser and the basis for the claim in the VAWA self-petition is the same as the basis for the application for section 1 CAA adjustment of status as an abused spouse or child.

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Similarly, a previously denied VAWA self-petition is not necessarily proof that the claim of abuse in the application for section 1 CAA adjustment of status as an abused spouse or child is unfounded. The VAWA self-petition may have been denied because the abuser was not an LPR at the time of filing or for other reasons unrelated to the abuse or the relationship between abuser and the abused spouse or child. In the case of a denied VAWA self-petition, the adjudicating officer must request the complete A-file and review the evidence provided in support of the VAWA self-petition and reason for denial in advance of a final decision on the section 1 CAA adjustment of status application.

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If the VAWA self-petition is pending, it is within the discretion of the adjudicating officer to wait for a final decision on the VAWA self-petition prior to rendering a decision on the application for section 1 CAA adjustment of status as an abused spouse or child. The adjudicating officer may contact the VSC to request a possible expedite of the VAWA self-petition.

(k) Interview.

At the discretion of USCIS, the application may be referred to the appropriate field office for an interview. The interviewing procedures and techniques are essentially the same as those on a section 245 interview (see subchapter 23.4). However, three areas of potential difficulty should be addressed:

· When an applicant indicates the existence of possible ineligibility under 212(a)(3)(D)(i) of the INA, as a member of the Communist party, a detailed sworn statement should be taken. The areas which should be covered include: (1) the organization joined; (2) the date and place of joining; (3) an explanation of why the applicant joined; (4) the nature of the organization; (5) the duties and responsibilities of the applicant within the organization; (6) whether the applicant held an official title or office or was simply a member; and (7) if the applicant has terminated his or her membership, when, and in what manner, this termination took place. Keep in mind that section 212(a)(3)(D)(ii) of the Act provides an exception from the bar if the applicant was an involuntary member.

· When an applicant reveals that he or she has a criminal conviction in Cuba, a sworn statement should be taken, and must address these matters: (1) the date and place of the arrest; (2) the specific charges lodged against him or her; (3) the date and place of any judicial proceedings; (4) the outcome of these proceedings; and (5) if the applicant was imprisoned, the place and length of incarceration. It is important to remember that a finding of inadmissibility need not be supported by a record of conviction if there is reason to believe -by the alien's own admission- that there has been a conviction and that the underlying crime involved moral turpitude under prevailing U.S. standards. See **Matter of B-** , 3 I. & N. Dec. 1 (BIA 1947) ; **Matter of McNaughton** , 16 I. & N. Dec. 569 (BIA 1978) ; and **Matter of Doural** , 18 I. & N. Dec. 37 (BIA 1981) .

· When an applicant has made a claim of abuse and is seeking adjustment of status as an abused spouse or child, the confidentiality provisions of 8 U.S.C. 1367 apply.

– An abused spouse or child with a pending or approved application for adjustment of status to that of an LPR under section 1 of the CAA is by definition a "VAWA self-petitioner" as defined at section 101(a)(51)(D) of the Act (even if a VAWA self-petition is never filed). If the application for adjustment of status under section 1 of the CAA is denied, the confidentiality provisions will continue to apply to the applicant until all final appeal rights are exhausted. Please refer to the December 15, 2010 guidance memo entitled "Revocation of VAWA-Based Self-Petitions (Forms I-360) (AFM Update AD10-49)" for information on how to comply with the VAWA confidentiality provisions.

(l) Waivers .

An applicant under the CAA who is inadmissible to the U.S. must seek a waiver under section 212(g), (h), or (i) of the Act. The waiver application is made on Form I-601, not on Form I-602. The I-602 may only be filed by an applicant who is a refugee or asylee who was admitted under section 207 or section 208 of the Act. The only exception is an alien who was paroled into the U.S. as a refugee before April 1, 1980.

(m) Approval Procedures .

(1) General.

With the exception of rollback provisions discussed in paragraphs (2) and (3), the general procedures for

approval of an adjustment of status application set forth in subchapter 23.2 of this field manual apply to all CAA cases (including VAWA CAA cases). The COA codes pertaining to CAA cases are:

· CU-6: Adjustment class for natives and nationals of Cuba adjusting under the Act.

· CU-7: Adjustment class for non-Cuban spouses and children adjusting under the Act (to include battered or abused spouses and children of a qualifying Cuban principal or CU-6).

(2) General Rollback Provisions .

When adjudicating an I-485 under section 245 of the INA, the date of admission for lawful permanent residence is the date on which the case is completed, i.e., when the I-181 is signed off. This is not the case with an application under the CAA. When an I-485 is to be approved for a Cuban applicant, the alien's admission for permanent residence is thirty months prior to the filing of his or her application, or the date of his or her last arrival in the U.S., whichever date is later. Consider these examples:

· A Cuban national is paroled into the U.S. on March 1, 1986. On June 3, 1992, he files an I-485. When his application for adjustment is approved, his date of admission for permanent residence will be December 3, 1989. In this case, the applicant can be granted rollback of a full thirty months, as he was paroled into the U.S. over thirty months before filing for adjustment.

· A Cuban national is admitted to the U.S. as a nonimmigrant visitor for pleasure on January 10, 1990. On April 3, 1992, he files an I-485. When his application for adjustment is approved, his date of admission for permanent residence will be January 10, 1990. In this case, rollback of thirty months is impermissible, as the date of adjustment would precede the applicant's entry into the U.S.

The non-Cuban spouse and children of a qualifying Cuban applicant are entitled to the same rollback provision as the qualifying Cuban principal. The non-Cuban spouse or child receives the full 30-month rollback, even if that means the individual becomes an LPR before the date on which the individual became the Cuban applicant's spouse or child. See *Silva-Hernandez v. USCIS*, 701 F.3d 356 (11th Cir. 2012).

This same rule applies to VAWA CAA cases.

(3) Special Rollback Provisions Pertaining to "Mariel" Entrants .

Between April 1, 1980 and October 10, 1980, approximately 125,000 Cuban nationals were paroled into the U.S. as a part of what is commonly referred to as the "Mariel boatlift." These aliens were given I-94s bearing the designation "Cuban-Haitian Entrant." A Mariel entrant is eligible to apply for the benefits of the CAA, and will generally receive thirty months of rollback as described above. However, a Mariel entrant who filed his or her application for adjustment of status before February 1, 1987, should be granted "rollback" to his initial parole date in 1980.

(n) Denial Procedures .

If the adjustment application under the CAA is being denied, the applicant is entitled to a clear explanation of the reasons why. Generally, there is no appeal from the decision to deny an application under the CAA; however, if removal proceedings are initiated, the alien may renew his or her application in such proceedings before the immigration judge.

Certification to the USCIS Administrative Appeals Office (AAO) may be appropriate when a case involves complex legal issues or unique facts. An officer may consult through appropriate supervisory channels with the Office of Chief Counsel for guidance on certifying a decision to the AAO. For more information, see AFM 10.18, Certification of Decisions.

(o) Rescission Proceedings .

As with any other lawful permanent resident, an alien adjusted under section 1 of the CAA may have his or her residence rescinded under section 246 of the Act if it is determined within five years of adjustment that he or she was ineligible. Moreover, the five-year period of statutory limitations begins to run from the actual date the application for adjustment was approved, and not from the retroactive date of permanent residence (the rollback date). **Matter of Carrillo-Gutierrez** , 16 I. & N. Dec. 429 (BIA 1977) .

23.12 Adjustment of Status under NACARA (sec. 202 of Pub L 105-100).

(a) General .

NACARA, a limited provision which provides relief in the form of lawful permanent residence to certain Nicaraguan and Cuban nationals, was signed into law on November 19, 1997. Regulations governing the filing and adjudication of applications for NACARA adjustment are contained in **8 CFR 245.13** , although the NACARA statute is separate and apart from **section 245** of the Act. The NACARA program expires March 31, 2000. Applications for benefits under this provision must be properly filed at the Texas Service Center prior to that date.

(b) Receipting and data entry by support services contractor personnel .

Unless in deportation, removal or exclusion proceedings that have not been administratively closed, the applicant must file Form I-485 (revised 9/9/92) with the Texas Service Center, in accordance with the instructions contained on that form as modified by Form I-485 Supplement B. (An alien who is in proceedings should file the application with the immigration judge having jurisdiction over his or her case.) A separate application, including the fee specified in **8 CFR 103.7** , is required for each applicant and dependent. The support services contractor receiving the mail date stamps the application immediately upon receipt, assures the application has the correct fee and that it has been signed by the applicant. The contractor records the fee, endorses and forwards the check (or other payment vehicle) to the fee account, and places each new application in a bar-coded receipt file for delivery to the next stage of the process. Once this step has been completed, the applicatio n has been received and can no longer be rejected without going through the process of refunding the fee.

To the extent possible, the contractor should bundle applications submitted by family groups to facilitate later processing.

The contractor completes data entry into CLAIMS, scans the photograph and signature for later card production, preparation of Form I-181 , and for other CLAIMS notices and reports. The CLAIMS system will automatically generate a notice to the applicant advising him or her of location of the ASC where he/she should report for fingerprinting, and when.

(c) Preliminary Screening by USCIS support personnel .

(1) Processing Actions .

Preliminary review of the application is performed by USCIS personnel after the initial receipting process is complete. The preliminary review ensures that all relevant questions on the form have been completed, that necessary supporting documents are attached, and that the case is ready for adjudication. If the application is lacking relevant answers or documents, these must be requested from the applicant through the I-797 procedure once the application has been receipted. If such deficiencies can be identified prior to fee acceptance, a "rejection" notice may be used, rather than a request for additional information. The preliminary reviewer may annotate the application with information important to the adjudicator, taking care to always identify such notations as the work of the preliminary reviewer.

In conducting the preliminary review, you should include the following steps:

· Ensure that the application is being submitted under the provisions of NACARA. Block "h" should be checked and endorsed "NACARA principal" or "NACARA dependent." The application must be received prior to April 1, 2000.

· Verify the applicant's nationality. Each NACARA applicant, including any dependent applicant , must submit evidence of Cuban or Nicaraguan nationality. Ordinarily this will be in the form of a birth certificate; however, someone may submit other documentation, such as a baptismal certificate or a copy of his or her passport. It is also possible that an applicant who was not born in Nicaragua or Cuba derived or acquired such nationality, and may submit evidence of such. (See AFM Appendix 23-2 regarding Nicaraguan nationality law.)

· Examine Form I-485 for completeness. Local police clearances and ADIT-style photographs are required.

· Ensure that clearances have been initiated by contractor personnel.

· Check for a completed medical examination record, Form I-693 , endorsed by a USCIS approved physician.

· Ensure that the applicant has submitted evidence regarding the physical presence requirements of

NACARA. A principal alien must submit both evidence that his or her physical presence commenced prior to December 1, 1995, and evidence that his or her presence continued through the time of adjudication of the application. A separate statement is required explaining the duration and purpose of every subsequent absence.

· Evidence of commencement of presence may only consist of the following types of documentation:

· Asylum application : copy of filing receipt, asylum interview notice or other correspondence from the INS or USCIS relating to the processing of an asylum claim.

· Alien in proceedings : copy of I-122, I-221 or other official USCIS, ICE or EOIR-issued document concerning exclusion or deportation proceedings.

· Adjustment applicant : copy of filing receipt or other official document or correspondence relating to the filing of an adjustment application.

· Employment authorization application : copy of a filing receipt or other official correspondence relating to filing of an employment authorization request, Form I-765 .

· Evidence of social security wages paid : an original social security earnings statement provided by the Social Security Administration. A photocopy of an earnings statement is not acceptable.

· Evidence of an application for any other benefit under the INA : copy of a filing receipt or other official correspondence establishing submission of any application by the alien (not on behalf of the alien, such as an I-130) for any immigration benefit.

· Other official evidence : Beyond the specific forms of evidence enumerated above which are specified in the statute, an applicant may demonstrate commencement of his or her physical presence by submitting original document or documents issued by any Federal, State, or local governmental organization. Included in this group would be motor vehicle records, public hospital records, public school records, or real property titles. Such documents must be submitted originals, not photocopies, must bear the official seal of

the issuing governmental agency, and must be dated prior to December 1, 1995. Documents dated after December 1, 1995, are not acceptable for this purpose, even if they refer to events which occurred prior to December 1, 1995. Do cuments such as copies of tax returns are not acceptable for this purpose.

· Requirements for submission of evidence of continuing physical presence are more flexible. These may consist of lease agreements, copies of tax returns, regular bills showing account activity and the applicant's mailing address, canceled checks or bank records, employment records, etc. While there is no specific requirement establishing a number of documents which must be submitted (i.e., it is not necessary to submit a utility bill for every month since entry), documents should not leave unaccounted periods of more than 90 days. The credibility and volu me of these documents will heavily influence the decision on whether or not an interview will be required. Affidavits executed after the fact attesting to the presence of an applicant are not acceptable. However, it may be necessary to use affidavits to clarify discrepancies such as employment under an assumed name, etc.

· If an applicant is unable to produce a USCIS or INS-issued document, but claims that such a document exists, USCIS or INS records must be checked to verify the claim. If the claim is verified, attach a printout or other evidence from the record. If the claim cannot be verified, annotate the application: "Unable to verify through USCIS records", adding your initials and the date.

· If the applicant states he or she is inadmissible to the United States, check to see that he or she filed a waiver application, the fee was paid, and that the application was properly completed. Applicants who are inadmissible (except under **sections 212(a)(4)** , **(5)** , **(6)(A)** , **(7)(A)** and **(9)(B)** , which are inapplicable) may concurrently submit an application for any waiver for which they claim eligibility.

· Check for evidence of eligibility as a dependent, if the alien is applying as such:

- Evidence of Nicaraguan or Cuban nationality (see AFM Appendix 23-2 regarding Nicaraguan nationality law).

- Evidence of relationship as a spouse or child. A NACARA spouse or child must submit evidence of the claimed relationship on or before the date the principal application was approved . Such evidence is the same as would be required for an I-130 petition (i.e., marriage certificate and evidence of termination of any prior marriages for a spouse, birth certificate for a child, etc). A spouse or child must have been physically present in the United States at the time the dependent's application was filed, but does not need to have been present as of December 1, 1995, nor submit any statement regarding subsequent absences or continuing presence.

- Evidence of relationship as an unmarried son or unmarried daughter. The unmarried son or daughter of a NACARA applicant, if the dependent has passed his or her 21st birthday, is also eligible for NACARA benefits, but must show evidence of continuous physical presence as of December 1, 1995, as well as information regarding subsequent absences, in addition to evidence of the parent-child relationship with the principal applicant. A dependent son or daughter must also submit a statement regarding any and a ll absences since December 1, 1995 and provide evidence to document his or her continuous presence.

· Check for a Form I-94 , either original or a copy, which must be submitted if the applicant claims a lawful entry. However, the lack of such entry (or of the Form I-94 , if the alien claims it was lost) does not affect the alien's eligibility for adjustment under NACARA.

· Check to see that the alien has attached a statement regarding his or absences from the United States since December 1, 1995. This statement is in addition to the required evidence of continuity of presence discussed above.

· Determine if a there are one or more existing "A" files relating to the applicant. Files must immediately be requested. If no file exists, one must be created. Create a temporary file if an existing "A" file is located in another office. It is critical that any and all existing files be identified and obtained prior to adjudication. Review supporting documents closely to determine existing file number(s).

· Review Form I-181 , entering any missing data except for the approval-related blocks.

· I f the application is to be adjudicated by a TSC adjudicator, place the case on hold pending the results of the records checks and fingerprint clearance. Once the checks have been completed, remove the hold and route the file to the adjudicator.

· If the application is being routed to a local office for interview and adjudication:

- At TSC, update CLAIMS and transfer the file to the appropriate local office. CLAIMS will generate a notice to the applicant advising him/her that the application has been transferred and update USCIS.

- At the local office, shelve the file by receipt date until the records check and fingerprint clearances are complete. At that point, schedule the case for the next available interview time and reshelve the case according to the interview date. (However, note the discussion below regarding employment authorization.)

(2) Screening Notes .

(A) Examining documentation establishing entry and continuous physical presence .

Each of the forms of documentation of commencement of physical presence listed above must establish that the relating event or action occurred prior to December 1, 1995, not simply that the alien was present prior to that date. For example, if presence is documented by the filing of an asylum application, the application itself must have been submitted on or before December 1, 1995. A mere statement in a later application claiming entry prior to that date is insufficient. If Social Security earnings statements are used, those must reflect earnings beginn ing on or before December 1, 1995. Secondary evidence, such as affidavits should normally not be submitted or accepted unless such claims can be verified in government records. Where the documentation cannot be verified by the records or differs from information contained in the records, the file should be so noted. Evidence of entry on or before December 1, 1995 which is not verifiable from government records shall be regarded as fraud-prone. All such cases (including all cases supported by Social Security records and all cases supported by documents issued by other (non- USCIS) Federal, State or local agencies) must be referred for a personal interview.

Documentation of continuous physical presence may be considered less restrictively. In general, reliable, government-issued documents which strongly support a claim of continuous physical presence for the required period should be accepted without official verification. Other, less reliable documents, such as documents supported by affidavits purporting to explain a falsely assumed identity, should be routinely or at least randomly verified and the case referred for interview. Where the file or other inf ormation casts doubt on the continuing physical presence since entry, this should be so noted and the case referred for a personal interview.

(B) Secondary evidence .

Other than as discussed in paragraph (A), an alien may submit secondary evidence in support of the application, if the alien establishes that the primary evidence is unavailable. For example, a baptismal record may be submitted for a birth certificate which cannot be obtained due to destruction of the records by fire or warfare.

(C) Dependents .

It is important to note that the statute provides for two distinct classes of dependents:

- spouses and children under age 21, and

- unmarried sons and daughters who are 21 years of age or older.

All dependents must be either Nicaraguan or Cuban nationals, although a Nicaraguan principal could have a Cuban dependent and vice-versa (see AFM Appendix 23-2 regarding Nicaraguan nationality law). All dependents must provide evidence of the claimed relationship, in the same manner required for a visa petition or any other adjustment. The spouse or child (under 21) of a NACARA principal is not required to have been present since December 1, 1995, but must demonstrate that the qualifying relationship existed when the principal's application was filed on or before the date the principal was approved. The unmarried son or daughter (21 and older) must demonstrate physical presence since December 1, 1995. Claims of dependent eligibility are more likely to be supported by documents issued by authorities other than USCIS . If a principal applicant's supporting documents are supported by INS or USCIS records, but the dependents are supported by other sources, the adjudicating officer need not refer the case for interview, but may do so if there is any suspicion regarding the documentation submitted. For example, if a dependent claims to have been present in the United States at a time when the principal's previous asylum application shows that dependent was still residing in Nicaragua, the file should be so noted and the c ase referred for an interview at a local USCIS office. An application by a dependent may be filed concurrently with or subsequent to the principal applicant's but may not be approved until the principal applicant is granted permanent residence.

(D) Inadmissibility .

Several grounds of inadmissibility are inapplicable to NACARA cases, others may be waived. Those which are statutorily inapplicable include: **212(a) (4)** - public charge; **212(a)(5)** - labor certification and qualifications for certain immigrants; **212(a)(6)(A)** - unlawful entry; **212(a)(7)(A)** - immigrant visa; and **212(a)(9)(B)** - 180/365 day unlawful presence. Waivers of other applicable grounds may be available on a case-by-case basis as otherwise provided in the INA and **8 CFR 212** . If, upon review, it appears the applicant may be inadmissible, the file should be so noted to alert the adjudicator of the possibility.

(d) Adjudication .

(1) Processing Actions at either TSC or the local office .

The following actions are required during the adjudicative process:

· Verify that the application was timely filed.

· Review any existing file. This action is mandatory, but may be waived if the electronic record supports the alien's claimed status and the file cannot be retrieved within 90 days. An interview is required when a file cannot be located, even if the electronic record supports the alien's claim. Review the file to determine if there is evidence of the required physical presence. The file may also contain evidence, such as an advance parole document, that the alien has been outside the United States for more than 180 days, or it may contain evidence of inadmissibility on other grounds. One of the more critical items of information which must be obtained from the file is whether the alien is in exclusion, dep ortation or removal proceedings, since this relates directly to the issue of whether USCIS or EOIR has jurisdiction.

· Determine jurisdiction. In the event an adjustment applicant is in exclusion, deportation or removal proceedings that have not been administratively closed, refer the case to the appropriate Immigration Court. EOIR has authority to grant adjustment of status under NACARA in any case where the alien is in proceedings. USCIS has jurisdiction for NACARA adjustment over both aliens who have not been placed in proceedings and aliens under final orders of exclusion, deportation, or removal. USCIS also has jurisdiction over any cases involving aliens whose proceedings have been administratively closed.

· Carefully review supporting documents and statements made on the application for completeness and for any indication the applicant does not meet the requirements of NACARA regarding physical presence, nationality and admissibility. Any discrepancy between the applicant's statements and the evidence contained in the file may be resolved during the personal interview at a local office. Remember that there are two aspects to the physical presence requirement. The first aspect deals with the commencement of physical presence , which can only be established through one of the specified forms of government-issued documentation listed above in paragraph **(c)(1)** . The other aspect has to do with the continuity of physical presence , which can be established through a wider range of supporting documentation. If there is any doubt about either aspect, such doubt must be resolved during the personal interview. Remember also that

in cases where the commencement of presence is supported only by a Social Security or other non- USCIS document, an interview is mandatory.

· If the applicant is 14 years of age or older, ensure that background checks have been completed. If there is a positive response to any background check which indicates possible inadmissibility, refer the case for an interview at the local office. Review local police clearances to ensure the requisite clearance has been submitted for each jurisdiction in the U.S. where the alien has resided for at least six months.

· Ensure fingerprint checks have been properly completed. If the applicant fails to comply with the instructions for obtaining fingerprints, the application for adjustment of status must be denied for failure to prosecute.

· Review Form I-693 medical examination. The examination form must be signed by a designated physician. If there is any medical condition which would result in a finding of inadmissibility, determine if a waiver is available.

· Determine if there is any regulatory or statutory bar which prohibits favorable consideration of the application or if a waiver is required. It is important to note that NACARA adjustment cases are not subject to the limitations and requirements of **section 245** of the Immigration and Nationality Act.

· Although unlikely, if a NACARA applicant indicates he or she previously or currently held A or G nonimmigrant status, Form I-566 is required. If the State Department's response to the I-566 indicates that the applicant has diplomatic immunity, Form I-508 will also be required.

· Determine if the continuous physical presence requirement has been met. NACARA permits an alien to have been outside the United States for up to 180 days in the aggregate since December 1, 1995. Any day on which the alien was present for at least part of the day should not be counted towards the 180 day cumulative total. If an absence commenced prior to that date, count only the time beginning on that date. For example, if an alien first arrived in the United States on July 1, 1995, left on November 1, 1995, and returned on December 31, 1995, only the thirty days from December 1 through December 30 would count towards the 180 day cumulative amount.

(2) Special processing actions relating to TSC adjudication .

The following types of cases must be referred to a local office for interview:

· Any case where the adjudicator is not in possession of all A-files pertaining to the applicant.

· Any case where the evidence presented does not fully support the claimed eligibility or where there is any discrepancy between documentation provided and the information contained in the USCIS file or other government record pertaining to the applicant.

· Any case involving an inadmissible alien (other than those inadmissible under grounds which NACARA specifically exempts).

· Any case involving a waiver of inadmissibility.

· Any case involving a medical condition which would result in a finding of inadmissibility.

· Any case where the commencement of presence is supported only by a Social Security, or other non-USCIS, document.

· Any case in which there is any question as to the nationality of the applicant (e.g., where the applicant claims to have derived or acquired Cuban or Nicaraguan nationality, or where there is a question as to whether he or she may have lost such nationality).

· Any case in where there are doubts about the familial relationship between the principal applicant and one or more of the dependents.

In any case being referred, the service center adjudicator must provide in the file for the interviewing

officer a memorandum or informal notes explaining the discrepancies noted or other reasons for conducting the interview.

If there are no issues to be resolved by interview, approve or deny the case, and follow TSC guidelines for quality assurance and supervisory review.

(3) Special processing actions relating to local office interview and adjudication .

· Remember that while NACARA does not give USCIS discretionary authority over the application for adjustment, USCIS does retain its discretionary authority when adjudicating any application for a waiver of inadmissibility. During the course of the interview in a case involving such waiver, the adjudicator should elicit all information, both favorable and unfavorable, which has a bearing on the exercise of administrative discretion regarding the waiver.

· If the applicant fails to appear for a required interview (and USCIS received no request for rescheduling), the application for adjustment of status must be denied for failure to prosecute.

· If the case does not involve an application for a waiver, the scope of the interview should be limited to just the factors pertaining to eligibility for adjustment under NACARA:

- Nationality

- Admissibility

- Proof of commencement of physical presence (including authenticity of documentation)

- Proof of continuity of physical presence (including authenticity of documentation)

- Relationship of dependents

· If office policy permits, field examiner procedures may be used when appropriate

(4) Adjudicator's Notes .

(A) Determining Case Status and Jurisdiction .

Because aliens affected by **Pub. L. 105-100** were in a variety of lawful and unlawful immigration statuses at the time of passage, you may encounter applications which fall within the jurisdiction of the Immigration Court or the Board of Immigration Appeals. Some applicants will not be in any sort of removal proceedings, others may be in proceedings, still others may have received a final order of removal which has not been executed. Before adjudication, determine the current status and jurisdiction. Jurisdiction rests with the Immigration Court (o r BIA) in any case where an OSC or NTA has been served on the Court and no final order (or order administratively closing the case) has been issued, or if a motion to reopen filed on or before May 21, 1998, is pending with the Court or BIA. If a final order has been issued, or the proceedings have been administratively closed or if any pending motion to reopen was filed was filed after May 21, 1998, jurisdiction rests with USCIS . Transfer out any application where the jurisdiction does not lie with USCIS and notify the applicant of the action. Some applicants may have an asylum application pending at an asylum office or have some other action pending before the USCIS . Once you determine the disposition of the NACARA application, actions may be required to conclude other adjudicative procedures. In the event the NACARA application is denied, follow-up action may be required to reinitiate other pending matters.

(B) Determining Eligibility: Nationality and Relationship .

Every NACARA applicant and dependent must be a national of Nicaragua or Cuba. Dependents of other nationalities do not qualify. Ordinarily, nationality is established by a birth certificate. Other documentation, such as a passport, is secondary evidence and may be accepted if primary evidence is unavailable. Evidence of dependent relationships must be established by birth or marriage certificates, divorce or adoption decrees, etc. (See AFM Appendix 23-2 regarding Nicaraguan nationality law).

(C) Determining Eligibility: Entry and Continuous Physical Presence .

Each NACARA principal alien and unmarried son or daughter must demonstrate presence in the United States on or before December 1, 1995, continuing until the date of filing for NACARA benefits. Absences, with or without prior USCIS approval, totaling 180 days or less have no effect on eligibility. In addition, there are four situations in which absences from the United States do not count toward the maximum of 180 days an alien is allowed to be outside the United States after December 1, 1995:

· Travel pursuant to an advance parole authorization granted during the pendency of the application, regardless of whether such travel exceeds 180 days, has no effect on eligibility;

· Travel pursuant to an advance parole issued on or after December 24, 1997, and prior to June 22, 1998, has no effect on eligibility;

· For an applicant who departed from the United States without an advance parole prior to December 31, 1997, time spent outside the United States during the period beginning November 19, 1997 (the date of enactment) and ending on July 20, 1998, does not count toward the 180 day cumulative total; and

· Time spent outside the United States after the alien has submitted a request for parole into the United States for the purpose of filing an adjustment application under NACARA and before the alien is actually paroled for such purpose, does not count toward the 180 day cumulative total.

Physical presence for NACARA purposes may be established in any of several specific ways identified in paragraph **(c)(1)** as well as in the statute itself. NACARA applicants must produce documentation which is verifiable, either through USCIS records or the records of other government agencies. Affidavits and other secondary evidence may be accepted in unusual circumstances, if primary evidence is unavailable, only if such secondary evidence documents one or more of the specific actions enumerated in paragraph **(c)(1)** and which is conclusively verified by USCIS records. For example, an affidavit may be accepted which attests to the fact that an applicant was previously granted a USCIS employment authorization provided that USCIS or INS records corroborate the issuance of that document. Documentation of continuous presence may be accepted from a wider range of sources than documentation of commencement of presence. An interview is required in any case involving an applicant who has no prior USCIS record .

If file review indicates possible unexplained absence from the U.S. (e.g., a subsequent apprehension along the border, an application which was formally abandoned or other similar situation) the case should be referred to the appropriate local office for questioning and resolution.

Note
That departure from the United States after the filing of the application for adjustment constitutes an abandonment of the application for adjustment of status, unless the applicant applied for an advance parole prior to his or her departure. Furthermore, the time spent outside the United States during such absence counts toward the 180 day maximum allowed under the statute; this is likely to be significant if the alien either returns to the United States and file a new application for adjustment or files an I-131 seeking parole into the U.S. for the purpose of filing a new I-485 .

(D) Determining Eligibility: Inadmissibility .

The grounds of inadmissibility specified in paragraph (2)(C), above, are inapplicable. Other grounds may be waived, on a case-by-case basis, provided eligibility exists pursuant to other provisions of the Act. Waiver applications, with fee, may be filed and processed concurrently with a NACARA adjustment application. All waiver cases must be referred for a personal interview to the local office having jurisdiction over the applicant's residence.

(E) Dependent Eligibility .

No dependent application may be approved until the application for the principal applicant is approved. Dependents outside the United States may not submit an application for parole until the principal's application is approved. Dependents already present in the United States should be encouraged to submit their applications simultaneously with the principal applicant. It is important to note that if the dependent relationship is created after the principal's status is adjusted (e.g., through a marriage, birth or adoption which occurred subsequent to the adjustment), NACARA dependent status is not permitted. In such situations, the principal would be required to submit an I-130 petition for his or her dependent, if the dependent is not able to qualify as a principal NACARA applicant in his or her own right.

(e) Case Closing Actions .

(1) Approval .

Endorse the approval block on the I-485 . If the case was approved at the service center without interview,

so note the application. Sign Form I-181 and endorse it with the correct adjustment code, office information and date of action.

Approval codes are as follows:

- NC6 for NACARA principals;

- NC7 for NACARA spouses;

- NC8 for NACARA children under 21; and

- NC9 for NACARA unmarried sons and daughters 21 years of age and older.

Upon approval at the TSC, update CLAIMS, ordering the approval notices and production of the alien registration card, Form I-551 and entering new data into the Central Index. If there is no other USCIS action pending, route the file to the file room for storage.

Upon approval at a local office, advise the applicant of the decision (in person if the application is approved during the interview, by mail if it is approved afterwards); process the applicant for an I-551; endorse the passport with the "Processed for I-551 stamp" or issue a temporary I-551; and refer the case to the appropriate parties for USCIS and CLAIMS updates. If there is no other USCIS action pending, route the file to the file room for storage.

If there is any other action pending, such as an asylum application or visa petition, notify the affected office of the decision and take whatever other is appropriate.

(2) Denial .

If a NACARA adjustment application is denied, prepare a denial notice setting forth the specific basis for the adverse action. The denial notice may be served by personal service in accordance with **8 CFR 103.5a(a)(2)** . As with section 245 adjustment cases, NACARA decisions are not appealable. The Immigration Court has jurisdiction to reconsider NACARA eligibility during the course of a removal hearing.

If the alien is:

· Already subject to a final order of removal: Certify the case for review by the immigration judge, as described in paragraph (4), below.

· Not already in removal proceedings, but the application is denied and the alien is not maintaining status: Institute removal proceedings.

· In removal proceedings which were administratively closed: Notify district counsel so that the removal proceedings may be recalendared.

(3) Supervisory Review .

NACARA decisions are subject to the same review and quality assurance procedures as other adjustment of status cases. Follow local procedures for such review.

(4) Appeals and Certifications .

If a NACARA adjustment cases is filed with, and denied by, USCIS after the alien has been ordered removed by an immigration judge in proceedings in Immigration Court, certify the adverse decision for review to the Immigration Court which ordered the removal, in accordance with 8 CFR 245.13(m)(3) . It is not necessary to certify denied cases where the alien has not been ordered removed, since the immigration judge has authority to reconsider NACARA eligibility, along with other forms of relief, during the course of the removal proceedings. In the unlikely event that a NACARA application is denied and the alien is

maintaining valid nonimmigrant status, certify the decision to the Administrative Appeals Office in accordance with **8 CFR 103.4(a)(4)** .

(5) Feedback to TSC . **[(b)(2) or (b)(7)(E)]**

(f) Ancillary applications .

(1) Waivers .

Various immigrant waivers are available to NACARA applicants on a case-by-case basis. Waivers may be filed concurrently with the application for adjustment or may be filed later, if an inadmissibility ground is identified subsequent to initial filing. Adjudication of a waiver should be completed in the local office, at the time of interview.

(2) Advance parole: alien present in U.S. at time of request . (Chapter 23.12(f)(2)) (Revised 06/06/2005)

The Texas Service Center Director is delegated authority to authorize advance parole of aliens whose properly filed application for adjustment under NACARA is pending at the Texas Service Center, except those cases in which a final order has been issued. In any case where the alien is determined to be in removal proceedings, do not adjudicate the parole request, transfer the NACARA application to the appropriate Immigration Court and the parole request to the local office. If the alien is not in proceedin gs, adjudicate the parole request, granting parole for the amount of time required for any legitimate business or personal reason. If the alien is the subject of a final order, the local office should contact the Office of International Affairs, Parole and Humanitarian Assistance Branch in Immigration and Customs Enforcement (ICE) Headquarters regarding any parole request.

Parole and Humanitarian Assistance Branch (PHAB) has the authority to provide an advance parole to someone who is in court proceedings as well as one who has received a final order for court proceedings.

(3) Advance parole: alien outside the U.S. at time of request .

Advance parole requests by aliens eligible for NACARA adjustment may be filed by prospective applicants who are not physically present in the United States, provided they are otherwise qualified for NACARA adjustment as a principal applicant. If otherwise eligible, principal aliens who have not been out of the U.S. for more than 180 days in the aggregate since December 1, 1995, and who departed the United States for a brief period on or before December 31, 1997, may submit an application for advance parole together with a photocopy of a fully documented NACARA adjustment application (except for the fee, fingerprints, medical examination and police clearances) to the Texas Service Center (TSC). A NACARA dependent not physically present in the United States may not be granted advance parole unless he or she otherwise meets all NACARA requirements and the application for the principal applicant has been found to meet all requirements, except that results of records checks from other government agencies pertain ing to the principal applicant need not be received before the granting of parole.

An advance parole issued in such circumstances must be noted: "You must properly file an application for adjustment of status within 60 days of your parole into the United States, or March 31, 2000, whichever comes first. Failure to do so may result in termination of parole and institution of removal proceedings."

If the I-131 is approved, the TSC should advise the Officer in Charge of the DHS office in either Tegucigapla, Honduras or Havana, Cuba, as appropriate of the approval. The Officer in Charge in that location will prepare the advance parole document and make arrangements for its issuance. If the alien does not reside within the jurisdiction of the Officer in Charge in either Tegucigalpa or Havana, the TSC shall prepare the advance parole document and deliver it to the alien through the American Embassy or American Con sulate having jurisdiction over the alien's location, using normal procedures for transmission of documents to consular posts (e.g., DHL or similar courier service). Include a copy of the alien's application for parole (including the supporting documents) and an explanation that the parole authorization has been issued pursuant to **8 CFR 245.13(k)(2)** , and request that the consular personnel verify the alien's identity and review the case for possible fraud before issuing the document. In setting the expiration date for the 32, the TSC should allow a reasonable amount of time for (a) the I-512 to reach the consulate, (b) the consulate to call in and interview the alien, and (c) the alien to make arrangements to travel to the United States. The I-512 should authorize a single-entry parole. (Revised AD 99-09)

(4) Employment authorization .

A NACARA applicant may request an EAD at the time of filing his or her NACARA application. If the I-765 and the I-485 are filed concurrently AND the adjustment application is supported by one of the issued or received documents listed in paragraph 23.12(c) above, the EAD should be issued by the TSC as soon as the preliminary screener determines such (unless the applicant is clearly ineligible for adjustment under NACARA). However, if the application is supported by evidence of commencement of physical presence consisting of either a Social Security document or an "other agency" document, no action may be taken on such EAD request for approximately 150 days. By statute, an EAD application must be approved if

a NACARA a djustment application has been pending for 180 days or longer. The office having jurisdiction over the case at that point must ensure that an EAD is issued by the 180th day.

Previously authorized employment by a NACARA applicant based on some other employment eligibility (e.g., employment authorization issued as the result of a pending asylum application) does not terminate because of the filing of a NACARA adjustment application.

If the I-765 and I-485 are not filed concurrently, USCIS is not bound by the statutory requirement that an EAD be issued if the application is pending for 180 days. In that case, USCIS would have to adjudicate the I-765 within 90 days of its filing, or with 180 days of the filing of the I-485 , whichever comes later.

(g) Consideration of certain suspension of deportation / cancellation of removal conditional grant cases for NACARA adjustment .

(1) Background .

On September 30, 1998, the Department of Justice published regulations (at **8 CFR 240.21**) implementing the provisions of **sections 304(a)(3)** of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) and **section 204(a)** of the Nicaraguan Adjustment and Central American Relief Act of 1997 (NACARA) dealing with the annual numerical limitation on grants of suspension of deportation / cancellation of removal. The effect of these two sections of law is to place a 4,000-person cap on the number of aliens who may receive suspension of deportation (as the provision was known prior to April 1, 1997) or cancellation of removal (as it has been known since that time) in any one year. However, the provisions do exempt certain person s from the numerical cap (Guatemalans, Salvadorans and Eastern Europeans who qualify for **section 203** of NACARA, along with certain persons who applied for suspension of deportation under **section 244(a)(3)** of the I&N Act prior to April 1, 1997), and also provide for a one-time only addition of 4,000 numbers for fiscal year 1998.

In implementing this legislation, the Department of Justice determined that certain persons who received conditional grants of suspension of removal or cancellation of removal between October 3, 1997, and September 30, 1998, should also explore the possibility of being granted permanent residence through adjustment of status under **section 202** of NACARA. If granted adjustment under NACARA, the alien would not use one of the limited number of suspension / cancellation slots available. An additional benefit of receiving permanent residence through NACARA adjustment of status instead of suspension of deportation / cancellation of removal is that the alien's spouse and child(ren) may be eligible to apply for adjustment as NACARA dependents, which is very significant if the spouse and child(ren) are unable to qualify for LPR status in their own rig ht.

(2) Persons eligible for consideration .

A total of 1,019 Nicaraguan and Cuban nationals were conditionally granted suspension of deportation or cancellation of removal during the October 3, 1997, to September 30, 1998 time period. All of them are known to the Department of Justice and are listed in a report which was provided to INS by the Executive Office for Immigration Review (EOIR) on October 7, 1998. That report was subsequently provided to all affected offices. IF AN ALIEN IS NOT LISTED ON THAT REPORT, HE OR SHE MAY NOT BE CONSIDERED FO R ADJUSTMENT OF STATUS UNDER THIS PROCESS. .

(3) Required action by INS offices upon receipt of the EOIR report .

Upon receipt of the October 7 report, local INS offices must immediately obtain all files pertaining to listed aliens. The file should be reviewed to determine whether the FBI record checks are current (i.e., were checked not later than October 1, 1997, so that they will not be more than 15 months old by December 31, 1998). If the record checks were last conducted prior to October 1, 1997, and the file contains the requisite information for conducting an electronic update of the record check, the checks s hould be so updated.

A copy of the October 7 EOIR report was also provided to the Texas Service Center (TSC) so that the TSC could check for any record of a previously filed application for adjustment of status under NACARA. If such an application had been filed, the TSC is to immediately contact the local office to advise them of the application, and forward the previously-filed application to the ADD for Examinations (or other person as designated by the local office). If the TSC does not locate any record of a previously-f iled NACARA application, no action by TSC is necessary.

The local office must determine how best to schedule and conduct interviews of the aliens in connection with this process. ALL CASES MUST BE SCHEDULED FOR INTERVIEW NOT LATER THAN NOVEMBER 30, 1998. Accordingly, interview notices must be mailed out no later than November 13, 1998. Each district office must report to ROOPS on or before November 16, 1998, regarding the completion of the interview scheduling process. ROOPS will submit a consolidated report to HQOPS not later than close of business November 17, 1998.

For most offices, the number of persons to be interviewed is so small as to enable the local office to merely

add them into the regular interview schedule. In one or two offices, however, it may be necessary to arrange for interviews to be conducted on Saturdays or on a day normally reserved for non-interview work.

Once the interview schedule has been determined, the local office should send call-in notices to the affected aliens and to those aliens' attorneys or recognized representatives. Because the interview process may be abbreviated (in most cases), the local office may wish to schedule more cases per officer per hour than with regular adjustment cases. Form I-895 is used as a call-in notice; it also serves as an attestation form and (once it has been endorsed by a USCIS officer) as a Memorandum of Creation of Record. A photocopy of the call-in notice should be placed in the alien's file.

(4) Interview procedures .

It is important to remember when interviewing the applicant that the decision you will make is not whether to grant or deny permanent residence, but rather whether permanent residence should be granted under the provisions of **section 202** of NACARA instead of through the removal of the conditions on the IJ/BIA conditional grant of suspension/cancellation. One way or the other, at the end of the interview the alien becomes a lawful permanent resident.

After establishing the alien's identity, placing him/her under oath, and verifying the information in Part II of Form I-895 , the first issue to examine is whether he/she wants to seek LPR status through NACARA instead of suspension / cancellation (item 1 in Part III of the Form I-895). If the alien opts for suspension / cancellation (i.e., checks "yes") you may ignore the rest of the questions, execute the jurat in Part IV of the form, and complete the case as a suspension / cancellation grant pursuant to **8 CFR 240.21** through the removal of the condition on the EOIR (IJ or BIA) order (see section (g)(7) below) .

If the alien prefers to seek adjustment under NACARA (by checking "no" in item 1), go through the rest of the questions in Part III of the Form I-895 . If any of the responses on the attestation form indicate a problem which cannot be overcome through a waiver which can be approved on the spot (see section (g)(5) below), advise the alien that the conditional grant of suspension / cancellation is being converted to a full grant by operation of regulation, execute the jurat in Part IV and complete the case as a suspension / cancellation grant pursuant to the automatic conversion of the EOIR order (see section (g)(7) below).

If after going through all 29 items in Part III of Form I-895 you determine that the alien is eligible for adjustment under **section 202** of NACARA (including being eligible as a result of your having approved an I-212 , I-601 or I-612 application), execute the jurat in Part IV of the Form I-895 and approve the case as a NACARA adjustment grant (see section **(g)(7)** below).

(5) Waiver applications and applications for permission to reapply for admission after deportation or removal .

If the alien is ineligible for NACARA adjustment of status solely for a reason which can be remedied through approval of an I-212 , I-601 or I-612 application, and the alien has all the documentation with him/her to prove that he/she meets all the normal eligibility requirements for such consideration, he/she may submit the application, without fee, during the course of the interview. While the alien is not exempt from meeting discretionary standards, the fact that he/she will be obtaining permanent residence one way or the other is a strong discretionary factor in his/her favor.

If you decide to approve the I-212 , I-601 or I-612 application, advise the alien verbally that you are doing so and endorse the waiver application as you would in any other case. There is no need to give the alien written notice of the approval of the waiver application. Once you have granted the waiver, execute the jurat in Part IV of Form I-895 and approve the case as a NACARA adjustment grant (see section **(g)(7)** below).

If you decide that the waiver application should NOT be granted, advise the alien verbally that he/she will receive a written decision regarding the waiver application at a later date and that by regulation the EOIR conditional grant of suspension/cancellation is being automatically converted to a full grant. Endorse the I-212 , I-601 or I-612 "Waiver eligibility not established, LPR status granted pursuant to conversion of EOIR conditional suspension / cancellation order to full grant". Execute the jurat in Part IV of Form I-895 and complete the case as a suspension / cancellation grant (see section **(g)(7)** below).

After the interview has been completed, prepare a formal denial of the waiver application citing the reasons for denial (statutory and/or discretionary) and noting that since the alien has been granted LPR status through suspension of deportation / cancellation of removal, the issue of waiver eligibility is moot. (Note that certain waiver applications require consultation with or concurrence from another agency, which cannot be performed "on the spot," making such waiver applications inappropriate for this process.)

(6) Failure to appear for the interview .

If the alien does not appear for his/her scheduled interview, annotate the file to that effect and place a call-up on the case for December 31, 1998. There is no need to schedule the alien for a second interview.

However, if the alien appears before December 31, 1998, and time allows, conduct the interview as set forth in section **(g)(4)** above.

If the alien does not appear before December 31, 1998 (or appears but is unable to be interviewed), retrieve the case and annotate the Form I-895 in the file to indicate that alien did not appear for his scheduled interview and that he has not been processed for an I-551. Send a photocopy of the annotated I-895 to HQ, Office of General Counsel (Attn: Ian Hinds) who will notify EOIR that the alien failed to appear for his or her interview so that EOIR may issue an new order making the conditional grant final (a copy of which will be served on the District Counsel's Office). Then route the file to the District Counsel for inclusion of the new EOIR order in the file. After the Office of the District Counsel ensures that a copy of the new IJ/BIA order is placed in the file, the file should be routed to DD&P (so tha t their docket may be cleared) and thence to the file room. If and when the alien is subsequently located, the Adjudications Branch should process him/her for issuance of the I-551.

(7) Closing action .

Except as otherwise provided in section **(g)(6)** , once the alien has been granted permanent residence under either NACARA adjustment or suspension of deportation/cancellation of removal, you should:

· Check the appropriate box in Part I of the Form I-895 .

· Enter your signature, your title, the date, and your location in the appropriate spaces in Part I of the form.

· Place your approval stamp in the approval stamp block in Part I of the form.

· Make a photocopy of the endorsed Form I-895 for transmittal to USCIS Headquarters (Attn: Ian Hinds, Office of General Counsel). The photocopies may be batched together and must be sent to HQ on a not-less-than-weekly basis.

· Process the alien for issuance of an I-551.

· IF ADJUSTMENT HAS BEEN GRANTED UNDER NACARA, route the file to the Detention and Deportation Branch with a request instructing them to:

- Expeditiously clear their docket, and

- Route the file to the Texas Service Center for CLAIMS/USCIS update and issuance of the Form I-551.

· IF PERMANENT RESIDENCE HAS BEEN GRANTED THROUGH REMOVAL OF THE CONDITION ON THE EOIR ORDER OF CONDITIONAL GRANT OF SUSPENSION / CANCELLATION, route the file to the Office of the District Counsel with a request instructing them to:

- Review the case for consideration of filing of a motion to reopen pursuant to **8 CFR 240.21(b)(4)** (note the special instructions in **(g)(8)**)

- IF A MOTION TO REOPEN IS NOT FILED, OR IS FILED AND THEN DISMISSED, route the file to the Detention and Deportation Branch with a request instructing them to:

- Expeditiously clear their docket, and

- Route the file to the Texas Service Center for CLAIMS/USCIS update and issuance of the Form I-551.

(8) Special instructions regarding negative information relating to eligibility for suspension / cancellation .

During the course of your interview, you may uncover information that the alien is statutorily ineligible for suspension of deportation / cancellation of removal for reasons which occurred after the immigration judge or BIA issued the conditional grant (e.g., the alien committed a crime after the IJ's order). If so, you should:

· Process the case for automatic conversion of the conditional grant of suspension/ cancellation to a full grant by completing Part I of Form I-895 (as set forth in **(g)(7)**).

· Prepare Form I-89 and place it in the alien's file.

· To the extent possible, make a complete a record of the facts of the matter (a sworn statement from the alien, copies of any relevant documents presented by the alien, etc.)

· IMMEDIATELY route the file to the local District Counsel for consideration of a motion to reopen the IJ's order pursuant to **8 CFR 240.21(b)(4)** (such motion to reopen must be filed within 90 days of the date of the conversion of the conditional grant to a full grant).

Note
Under **8 CFR 240.21(b)(4)** a motion to reopen may only be filed for reasons of statutory ineligibility. It may not be filed for reasons which might have warranted a discretionary denial.

23.13 Adjustment of Status under the Haitian Refugee Immigration Fairness Act, Pub. L. 105-277 (HRIFA).

(a) General .

HRIFA, a limited provision which provides relief in the form of lawful permanent residence to certain Haitian nationals, was signed into law on October 21, 1998. Regulations governing the filing and adjudication of applications for HRIFA adjustment are contained in **8 CFR 245.15** , although the HRIFA statute is separate and apart from **section 245** of the Act. The HRIFA program expires March 31, 2000 for principal applicants, and their applications must be properly filed at the Nebraska Service Center not later than that date. For qualifying dependent applicants, the application period for HRIFA adjustment remains open indefinitely.

(b) Receipting and Data Entry by Support Services Contractor Personnel .

Unless in deportation, removal, or exclusion proceedings that have not been administratively closed with consent of USCIS or INS (or where a motion to reopen or reconsider has not been continued indefinitely with the consent of USCIS or INS), the applicant must file Form I-485 (revised 9/9/92) with the Nebraska Service Center, in accordance with the instructions contained on that form as modified by Form I-485 Supplement C. (An alien who is in proceedings should file the application with the immigration judge having jurisdiction over his or her case.) A separate I-485 application, including the fee specified in **8 CFR 103.7** , is required for each applicant and dependent.

The support services contractor receiving the mail date stamps the application immediately upon receipt, assures the application has the correct fee and that it has been signed by the applicant. The contractor records the fee, endorses and forwards the check (or other payment vehicle) to the fee account, and places each new application in a bar-coded receipt file for delivery to the next stage of the process. Once this step has been completed, the application has been received and can no longer be rejected without going through the process of refunding the fee.

To the extent possible, the contractor should bundle applications submitted by family groups to facilitate later processing.

The contractor completes data entry into CLAIMS, scans the photograph and signature for later card

production, preparation of Form I-181 , and for other CLAIMS notices and reports. The CLAIMS system will automatically generate a notice to the applicant advising him or her of location of the ASC where he/she should report for fingerprinting, and when.

Finally, as part of the data entry process for HRIFA cases (and unlike the data entry process for most other applications), the contractor must enter the classification code under which the applicant is seeking adjustment of status. This additional requirement is the result of the statutory mandate contained in HRIFA that the Comptroller General of the United States (i.e., the GAO) report to Congress on a semi-annual basis regarding the number of HRIFA cases received and the number of HRIFA cases completed . The statute goes on to require that the report include a breakdown specifying the number of applicants by their basis of eligibility. In order for the GAO to meet this statutory mandate, the CLAIMS system must be able to generate accurate reports containing such specificity.

(c) Preliminary Screening by USCIS Support Personnel .

(1) Processing Actions .

Preliminary review of the application is performed by USCIS personnel after the initial receipting process is complete. The preliminary review ensures that all relevant questions on the form have been completed, that necessary supporting documents are attached, and that the case is ready for adjudication. If the application is lacking relevant answers or documents, these must be requested from the applicant through the I-797 procedure once the application has been receipted. If such deficiencies can be id entified prior to fee acceptance, a "rejection" notice may be used, rather than a request for additional information. The preliminary reviewer may annotate the application with information important to the adjudicator, taking care to always identify such notations as the work of the preliminary reviewer. Follow the steps listed below in items (A) through (Q).

(A) Ensure that the application is being submitted under the provisions of HRIFA.

Block "h" should be checked and endorsed with one of the following classifications, as specified in the instructions:

· HRIFA principal - asylum applicant

- HRIFA principal - parolee

- HRIFA principal - child without parents

- HRIFA principal - orphaned child

- HRIFA principal - abandoned child

- HRIFA dependent - spouse

- HRIFA dependent - child under 21 years old

- HRIFA dependent - unmarried son or daughter

An application from a "HRIFA principal" must be received prior to April 1, 2000. (Remember that there is no filing deadline for a HRIFA dependent.)

(B) Verify the applicant's nationality .

Except as noted below, each HRIFA applicant, including any dependent applicant , must submit evidence of Haitian nationality. Ordinarily this will be in the form of a birth certificate; however, someone may submit other documentation, such as a baptismal certificate or a copy of his or her passport. It is also possible that an applicant who was not born in Haiti derived or acquired such nationality, and may submit evidence of such.

Note

In many cases, the applicant's birth record may be unavailable, especially considering the short time period during which a principal applicant may file an application. Accordingly, if the applicant is applying as either an alien who applied for asylum prior to December 31, 1995, or as a parolee prior to December 31, 1995, and the record created at that time shows that the alien indicated Haitian nationality, the birth record requirement may be waived by the adjudicating officer during the interview. In such cases, annotate the applicant's file to indicate that the birth record was not submitted and that the issue of nationality must be determin ed by the interviewing officer.

(C) Examine Form I-485 for completeness.

Local police clearances and ADIT-style photographs are required. However, if the applicant attempted to obtain local police clearances, but was unable to do so because of State or local policies, he/she may submit evidence of such in lieu of the local police clearances. The director of the NSC has the authority to waive the local police clearances requirement where the applicant is able to establish that he/she made a good faith effort to obtain them.

(D) Ensure that clearances have been initiated by contractor personnel.

(E) Check for a completed medical examination record, Form I-693, endorsed by a USCIS-approved physician and that all vaccination requirements have been met.

(F) Ensure that the applicant has submitted evidence regarding the physical presence requirements of HRIFA. A principal alien must submit evidence that he or she:

· was present in the U.S. on December 31, 1995; and

· maintained continuing physical presence through the date the adjustment application is filed (not counting absences totaling 180 days or less);

· and that he or she falls within one of the five eligible classes . A separate statement is required

explaining the duration and purpose of every absence since the last arrival on or before December 31, 1995.

(G) Evidence of presence in the U.S.

On December 31, 1995 may consist of the following types of documentation:

· Copy of Form I-94 , issued upon arrival on or prior to 12/31/95;

· Copy of Form I-122 issued on or prior to 12/31/95;

· Copy of Form I-221 issued on or prior to 12/31/95;

· Evidence of an application for any other benefit under the INA : Copy of a filing receipt or other official correspondence establishing submission of any application by or on behalf of the applicant on or prior to 12/31/95, which establishes the applicant's presence in the U.S. on 12/31/95;

· Other official evidence : Other documentation issued by, or filed with, a Federal, State, or local authority which shows that the applicant was present in the U.S. on 12/31/95. Such documents must bear the official seal of the issuing authority (if normally present), be dated at the time of issuance or filing, and be dated not later than 12/31/95. Included in this group are items such as: motor vehicle record; driver's license or ID card; public hospital record; public school record; and income tax records;

· Certain school records : For persons applying as children as described in **section 902(b)(1)(C)** of HRIFA, records of the private or religious school which the applicant attended, provided that the private or religious school was registered, approved, or licensed by the appropriate State or local authorities, was accredited by the appropriate State or local accrediting body or private school association, or maintains enrollment records in accordance with State or local requirements or standards. If the adjudicating officer has doubts whether the private or religious school meets these standards, he o r she should consult with the district's student school officer of the Office of Non-Public Education, U.S. Department of Education by telephone at 202-401-1365/0375 or by fax at 202-401-1368.

Note

Such evidence may relate to presence in the United States on a date prior to the "magic" date of December 31, 1995. Since people may not be able to document where they were on a particular date the regulations allow an applicant to submit evidence of presence in the United States on a date prior to December 31, 1995, so long as the adjudicating officer is satisfied that the alien did not leave the country between that prior date and December 31, 1995. The amount of material needed to satisfy the adjudicat ing officer will vary from case to case. In many, if not most, situations, the officer should be satisfied with the applicant's oral or written claim that he or she did not depart the United States between the two dates, especially if the gap between them is rather small. On the other hand, if there is some indication that the alien may have left the country, or if the gap between the dates is especially large, the officer can require additional evidence. In deciding whether to ask for additional evidenc e, the officer may be guided by logic and common sense, as much as by documentation. Furthermore, experience has shown that Haitians who arrived in the United States during the 1990's and fall within the categories specified in item I below rarely, if ever, departed from the United States. Generally speaking, an applicant's verbal or written statement that he or she had not departed since arrival, coupled with the absence of any record of departure, may be accepted at face value.

(H) Requirements for submission of evidence of continuing physical presence are more flexible.

These may consist of either governmental or non-governmental documentation, including lease agreements, copies of tax returns, regular bills showing account activity and the applicant's mailing address, canceled checks or bank records, employment records, etc. While there is no specific requirement establishing a number of documents which must be submitted (i.e., it is not necessary to submit a utility bill for every month since entry), ideally, documents will not leave unaccounted periods of more than 90 days. Furthermore, once an applicant has established the existence of an ongoing family unit, documentation pertaining to one family member may also be used by other members of that family unit to establish continuity of presence. For example, a parent may use a grade school report card issued to his or her child. The credibility and volume of these documents will heavily influence the decision on whether or not an interview will be required. Affidavits executed after the fact attesting to the presence of an applicant are not acceptable. However, it may be necessary to use affidavits to clarify discrepancies such as employment under an assumed name, etc.

Note

See the discussion in item **(G)** regarding acceptance of verbal or written statements of non-departure at face value.

(I) Along with the physical presence requirements above, a principal applicant must submit evidence to show that he or she falls within one of the five eligible classes below:

· Haitians who filed for asylum before December 31, 1995;

· Haitians who were paroled into the United States prior to December 31, 1995, after having been identified as having a credible fear of persecution, or paroled for emergent reasons or reasons deemed strictly in the public interest;

· Haitian children who arrived in the U.S. without parents and have remained without parents in the U.S. since arrival;

· Haitian children who became orphaned subsequent to arrival in the U.S.; and

· Haitian children who were abandoned by their parents or guardians prior to April 1, 1998, and have remained abandoned since.

For the last three of these classes, the applicant must have been a child at the time of arrival in the U.S. and on December 31, 1995, but not necessarily at the time of his or her adjustment of status. In other words, someone who turned 21 and/or married on or after January 1, 1996, could still adjust status under the provisions of HRIFA as a child. Furthermore, any otherwise-eligible Haitian dependents acquired through a marriage occurring on or after January 1, 1996, could apply for adjustment under the provisions of HRIFA **section 902(d)** relating to dependents.

(J) If an applicant is unable to produce an INS or USCIS-issued document, but claims that such a document exists, records must be checked to verify the claim .

If the claim is verified, attach a printout or other evidence from the record. If the claim cannot be verified, annotate the application: "Unable to verify through USCIS records", adding your initials and the date.

(K) If the applicant states he or she is inadmissible to the United States, check to see that he or she filed a waiver application, the fee was paid, and that the application was properly completed .

Applicants who are inadmissible (except under sections **212(a)(4)** , **(5)** , **(6)(A)** , **(7)(A)** and **(9)(B)** , which are inapplicable) may concurrently submit an application for any waiver for which they claim eligibility.

(L) Check for evidence of eligibility as a dependent, if the alien is applying as such :

· Evidence of Haitian nationality ;

· Evidence of relationship . A HRIFA dependent must submit evidence of the existence of the claimed relationship at the time of the principal beneficiary's adjustment of status, and that such relationship continued to exist at least through the time that the dependent is granted adjustment. Such evidence is the same as would be required for an I-130 petition (i.e., marriage certificate and evidence of termination of any prior marriages for a spouse, birth certificate for a child, etc);

· Evidence of presence, if applying as an unmarried son or daughter . The unmarried son or daughter of a HRIFA applicant must show evidence of continuous physical presence in the U.S. since December 31, 1995, as well as information regarding subsequent absences. A dependent son or daughter must also submit a statement regarding any and all absences since December 31, 1995, and provide evidence to document his or her continuous presence. For documentary requirements for proving continuity of presence, refer to the discussion pertaining to principal applicants above.

Note
A spouse or child must be physically present in the U.S. in order to apply, but need not have been present on December 31, 1995, or during any particular period since that date, and need not submit a statement regarding subsequent absences or continuing presence. Furthermore, see the discussion in item **(G)** regarding acceptance of verbal or written statements of non-departure at face value.

(M) Check for a Form I-94, either original or a copy, which must be submitted if the applicant claims a lawful entry .

However, the lack of such entry (or of the Form I-94 , if the alien claims it was lost) does not affect the alien's eligibility for adjustment under HRIFA.

(N) Check to see that the alien has attached a statement regarding his or absences from the United States since December 31, 1995 .

This statement is in addition to the evidence of continuity of presence discussed above.

(O) Determine if a there are one or more existing "A" files relating to the applicant .

Files must immediately be requested. If no file exists, one must be created. Create a temporary file if an existing "A" file is located in another office. It is critical that any and all existing files be identified and obtained prior to adjudication. Review supporting documents closely to determine existing file number(s).

(P) If the application is to be adjudicated by an NSC adjudicator, place the case on hold pending the results of the records checks and fingerprint clearance .

Once the checks have been completed, remove the hold and route the file to the adjudicator.

(Q) If the application is being routed to a local office for interview and adjudication :

· At NSC, update CLAIMS and transfer the file to the appropriate local office. CLAIMS will generate a notice to the applicant advising him/her that the application has been transferred and update USCIS.

· At the local office, shelve the file by receipt date until the records check and fingerprint clearances are complete. At that point, schedule the case for the next available interview time and reshelve the case according to the interview date. (However, see the discussion below regarding employment authorization.)

(2) Screening Notes .

(A) Examining Documentation Establishing Physical Presence in the U.S. and Continuous Physical Presence .

Each of the forms of documentation of presence in the U.S. on or before December 31, 1995, listed above must establish that the relating event or action occurred on or prior to December 31, 1995, not simply claim that the alien was present prior to that date. For example, if presence is documented by the filing of an asylum application, the application itself must have been submitted on or before December 31, 1995. A mere statement in a later application claiming entry prior to that date is insufficient. If Social Security earnings statements are used, those must reflect earnings beginning on or before December 31, 1995. Secondary evidence, such as affidavits s hould normally not be submitted or accepted unless such claims can be verified in INS records. Where the documentation cannot be verified by INS records or differs from information contained in INS records, the file should be so noted. Evidence of entry on or before December 31, 1995 which is not verifiable from INS records shall be regarded as fraud-prone. All such cases (including all cases supported by Social Security records and all cases supported by documents issued by other (non-USCIS) Federal, State or local agencies) must be referred for a personal interview.

Documentation of continuous physical presence may be considered less restrictively. In general, reliable, government-issued documents which strongly support a claim of continuous physical presence for the required period should be accepted without official verification. Other, less reliable documents, such as documents supported by affidavits purporting to explain a falsely assumed identity, should be routinely or at least randomly verified and the case referred for interview. Where the file or other inf ormation casts doubt on the continuing physical presence since entry, this should be so noted and the case referred for a personal interview.

(B) Secondary Evidence .

Other than as discussed in paragraph **(A)** , an alien may submit secondary evidence in support of the application, if the alien establishes that the primary evidence is unavailable. For example, a baptismal record may be submitted for a birth certificate which cannot be obtained due to destruction of the records by fire or warfare. (See also the note to item (1)(B) regarding evidence of nationality already on file.)

(C) Dependents .

It is important to note that the statute provides for two distinct classes of dependents:

- Spouses and children under age 21, and

- Unmarried sons and daughters who are 21 years of age or older.

All dependents must be Haitian nationals . All dependents must provide evidence of the claimed relationship, in the same manner required for a visa petition or any other adjustment. The spouse or child (under 21) of a HRIFA principal is not required to have been present on or since December 31, 1995, but must demonstrate that the qualifying relationship existed when the principal's application was approved , and continues to exist through the time the dependent's application is approved. The unmarried son or daughter (21 and older) must demonstrate physical presence since December 31, 1995, but not necessarily on that date. Claims of dependent eligibility are more likely to be supported by documents issued by authorities other than USCIS. If a principal applicant's supporting documents are supported by INS records, but the dependents are supported by other sources, the adjudicating officer need not refer the case for interview, but may do so if there is any suspicion regarding the documentation submitted. For example, if a dependent claims to have been present in the United States at a time when the principal's previous asylum application shows that dependent was still residing in Haiti, the file should be so noted and the case referred for an interview at a local USCIS office. An application by a dependent may be filed concurrently with or subsequent to the principal applicant's but may not be approved until the principal applicant is granted permanent residence.

(D) Inadmissibility .

Several grounds of inadmissibility are inapplicable to HRIFA cases, others may be waived. Those which are statutorily inapplicable include:

- **Section 212(a) (4)** - public charge;

- **Section 212(a)(5)** - labor certification and qualifications for certain immigrants;

- **Section 212(a)(6)(A)** - unlawful entry; **212(a)(7)(A)** - immigrant visa; and

- **Section 212(a)(9)(B)** - 180/365 day unlawful presence.

Waivers of other applicable grounds may be available on a case-by-case basis as otherwise provided in the INA and **8 CFR 212** . If, upon review, it appears the applicant may be inadmissible, the file should be so noted to alert the adjudicator of the possibility.

(d) Adjudication .

(1) General Processing Actions .

The following actions are required during the adjudicative process:

(A) Verify that the application was timely filed, if from a principal applicant ,.

(B) Review any existing file .

This action is mandatory, but may be waived if the electronic record supports the alien's claimed status and the file cannot be retrieved within 90 days. An interview is required when a file cannot be located, even if the electronic record supports the alien's claim. Review the file to determine if there is evidence of the required physical presence. The file may also contain evidence, such as an advance parole document, that the alien has been outside the United States for more than 180 days, or it may contain evidence of inadmissibility on other grounds. One of the more critical items of information which must be obtained from the file is whether the alien is in exclusion, dep ortation or removal proceedings, since this relates directly to the issue of whether USCIS or EOIR has jurisdiction.

(C) Determine jurisdiction .

In the event an adjustment applicant is in exclusion, deportation or removal proceedings that have not been administratively closed, refer the case to the appropriate Immigration Court. EOIR has authority to grant adjustment of status under HRIFA in any case where the alien is in proceedings. USCIS has jurisdiction for HRIFA adjustment over (1) aliens who have not been placed in proceedings and (2) aliens under final orders of exclusion, deportation, or removal who had not filed a motion to reopen with EOIR before the date on which the HRIFA regulations were published (05-11-99). USCIS also has jurisdiction over any cases involving aliens whose proceedings have been administratively closed, or in whose case a motion to reopen or reconsider has been continued indefinitely with the consent of the INS or USCIS.

(D) Carefully review supporting documents and statements made on the application for completeness and for any indication the applicant does not meet the requirements of HRIFA regarding physical presence, nationality and admissibility .

Any discrepancy between the applicant's statements and the evidence contained in the file may be resolved during the personal interview at a local office. Remember that (with regard to principal applicants) there are two aspects to the physical presence requirement. The first aspect deals with the physical presence on December 31, 1998, which can only be established through one of the specified forms of documentation listed above in paragraph (c)(1). The other aspect has to do with the continuity of physical presence, which can be established through a wider range of supporting documentation. If there is any doubt about either aspect, such doubt must be resolved during the personal interview. Remember also that in cases where the commencement of presence is supported only by evidence which cannot be verified through the USCIS file (such as a Social Security or other non-USCIS document), an interview is mandatory.

(E) Ensure that background checks have been completed, if the applicant is 14 years of age or older .

If there is a positive response to any background check which indicates possible inadmissibility, refer the case for an interview at the local office. Review local police clearances to ensure the requisite clearance has been submitted for each jurisdiction in the U.S. where the alien has resided for at least six months. In some cases, the alien may have attempted to obtain the required local police clearances, but was unable to do so due to local or State policies prohibiting the issuance of such clearanc es. If the alien submits proof of both his or her attempt to obtain such clearances and of the local or State prohibitions, the Director of the Nebraska Service Center may waive the requirement that local police clearances be submitted.

(F) Ensure fingerprint checks have been properly completed .

If the applicant fails to comply with the instructions for obtaining fingerprints, the application for adjustment of status must be denied for failure to prosecute.

(G) Review Form I-693 medical examination .

The examination form must be signed by a designated physician. If there is any medical condition which would result in a finding of inadmissibility, determine if a waiver is available.

(H) Determine if there is any regulatory or statutory bar which prohibits favorable consideration of the application or if a waiver is required .

It is important to note that HRIFA adjustment cases are not subject to the limitations and requirements of **section 245** of the Immigration and Nationality Act, such as the bars to adjustment of status for illegal entry or unlawful employment.

(I) Check for A or G status .

Although unlikely, if a HRIFA applicant indicates he or she previously or currently held A or G non-immigrant status, Form I-566 is required. If the State Department's response to the I-566 indicates that the applicant has diplomatic immunity, Form I-508 will also be required.

(J) Determine if the continuous physical presence requirement has been met .

HRIFA permits an alien (who is applying as a principal applicant or as an unmarried son or daughter of a principal applicant) to have been outside the United States for a maximum of 180 days in the aggregate since December 31, 1995. Any day on which the alien was present for at least part of the day should not be

counted towards the 180 day cumulative total. If an absence commenced prior to December 31, 1995, count only the time beginning on that date.

(2) Special Processing Actions Relating to NSC Adjudication . **[Chapter 23.13(d)(2) updated 12-04-2006]**

While a large percentage of applications will be able to be adjudicated at the Nebraska Service Center without referral to a local office for an interview, many others will require such referral and interview. The following types of cases must be referred to a local office for interview and adjudication:

(A) Any case involving an inadmissible alien (other than those inadmissible under grounds which HRIFA specifically exempts), unless , in the case of an applicant who is seeking to adjust status as the dependent child of a HRIFA principal, the Nebraska Service Center Director requests that a Form I-601 be filed with the Service Center and the Service Center Director determines that the applicant is clearly eligible for approval of the waiver of the applicable ground of inadmissibility.

(B) Any case involving a waiver of inadmissibility unless , in the case of an applicant who is seeking to adjust status as the dependent child of a HRIFA principal, the Service Center Director determines that the applicant is clearly eligible for approval of the Form I-601 waiver.

(C) Any case involving a medical condition which would result in a finding of inadmissibility unless , in the case of an applicant who is seeking to adjust as the dependent child of a HRIFA principal, the Service Center Director requests that a Form I-601 be filed with the Service Center, and the Service Center Director determines that the applicant is clearly eligible for approval of the waiver of the applicable ground of inadmissibility.

(D) Any case where fraud indicators are present.

(3) Special Processing Actions Relating to Local Office Interview and Adjudication . **[Chapter 23.13(d)(3) updated 12-04-2006]**

When adjudicating an application for adjustment of status filed by an alien who requires a waiver of inadmissibility, remember that while HRIFA does not give USCIS discretionary authority to deny the application for adjustment of status itself, USCIS does retain its discretionary authority when adjudicating any application for a waiver of inadmissibility.

If the alien is statutorily ineligible for adjustment of status without consideration of a waiver, and his or her application for a waiver is denied as a matter of discretion, the adjustment application must also be denied. During the course of adjudicating such waiver, the adjudicator should elicit all information, both favorable and unfavorable, which has a bearing on the exercise of administrative discretion regarding the waiver.

If the applicant fails to appear for a required interview (and USCIS received no request for rescheduling) or the applicant fails to respond to a request for information regarding such waiver, the application for adjustment of status must be denied for failure to prosecute.

(4) Adjudicator's Notes .

(A) Determining Case Status and Jurisdiction .

Because aliens affected by **Pub. L. 105-277** were in a variety of lawful and unlawful immigration statuses at the time of passage, you may encounter applications which fall within the jurisdiction of the Immigration Court or the Board of Immigration Appeals. Some applicants will not be in any sort of removal proceedings, others may be in proceedings, still others may have received a final order of removal which has not been executed. Before adjudication, determine the current status and jurisdiction. Jurisdiction rests with the Immigration Court (o r BIA) in any case where an OSC or NTA has been served on the Court and no final order (or order administratively closing the case) has been issued, or if a motion to reopen filed on or before May 11, 1999, is pending with the Court or BIA. If a final order has been issued, the proceedings have been administratively closed, or if action on any pending motion to reopen or reconsider (filed prior to May 11, 1999) has been continued indefinitely with the consent of USCIS or INS, jurisdiction rests with USCIS. Furthermore, if any pending motion to reopen was filed was filed on or after May 11, 1999, jurisdiction also rests with USCIS, since the implementing regulations provide that the Immigration Court only regains jurisdiction for HRIFA adjustment purposes if a motion to reopen proceedings is filed prior to the publication date of the regulation. Transfer out any application where the jurisdiction does not lie with USCIS and notify the applicant of the action. Some applicants may have an asylum application pending at an asylum office or have some other action pending. Once you determine the disposition of the HRIFA application, actions may be required to conclude other adjudicative procedures. In the event the HRIFA application is denied, follow-up actio n may be required to reinitiate other pending matters.

(B) Determining Eligibility: Nationality and Relationship .

Every HRIFA applicant and dependent must be a national of Haiti. Dependents of other nationalities do not qualify. Ordinarily, nationality is established by a birth certificate. Other documentation, such as a passport, is secondary evidence and may be accepted if primary evidence is unavailable. Evidence of dependent relationships must be established by birth or marriage certificates, divorce or adoption decrees, etc. (See AFM Appendix **23-3** regarding Haitian nationality law).

(C) Determining Eligibility: Classification as a Principal Applicant under HRIFA .

In order to be granted adjustment of status under HRIFA, the alien applying as a principal applicant must establish that he or she falls within one of the categories described in **section 902(b)(1)** of HRIFA:

· For those adjustment applicants who claim to have applied for asylum before either INS or EOIR prior to December 31, 1995, the INS or EOIR records are definitive. Because locating the INS or EOIR record may, in some cases, prove difficult, it is important that the applicant provide whatever information or document he or she can (such as a copy of the Form I-589 previously filed), especially in cases where the alien may have used a slightly different name.

· Likewise, for those adjustment applicants who claim to have been paroled into the United States prior to December 31, 1995, the INS record contained in the alien's file or in NIIS is definitive. As with cases based on asylum applications filed before December 31, 1995, any person claiming to have been paroled prior to December 31, 1995, should submit whatever documentation he or she has to that effect (such as a copy of the Form I-94) to assist in locating the proper record. It is important to remember th e distinction between being paroled into the United States under **section 212(d)(5)** of the Act, and being released from custody on a conditional parole under **section 236(a)(2)(B)** of the Act. As used in HRIFA **section 902(b))(1)(B)** , the term "parole" refers only to those aliens were paroled under **section 212(d)(5)** .

· For applicants seeking classification under one of the three categories for children, INS and EOIR records are unlikely to be definitive. In some cases, the INS record may show that the child was paroled into the United States as an unaccompanied minor and placed into appropriate foster care. In other cases, there may be no INS record of the child at all, let alone any record of his or her arrival as an unaccompanied minor or his or her being orphaned or abandoned. With regard to children, the statute do es not require any prior interaction between the child and INS. If the alien who is otherwise eligible under HRIFA can prove that he or she arrived in the United States (regardless of whether he or she was admitted, paroled, or entered without inspection) prior to December 31, 1995, that he or she was a child at the time of arrival and on December 31, 1995, and that he or she falls within one of the three subcategories for

children set forth in **section 902(b)(1)(C)(i)** through **(iii)** of HRIFA, he or she may be granted adjustment. As in all such immigration proceedings, the burden of proof is on the applicant, but such burden can be met through the submission of satisfactory records from the appropriate Federal, State, or local court or child welfare agency. The records must have been created at the time the alleged event occurred and must be from a court or agency having jurisdiction over such matters where and when the alleged event occurred. With regard to orphaned and abandoned c hildren, remember that the event must have occurred while the applicant was still a child (i.e., under 21 years of age and unmarried). Also remember that in the case of an abandoned child, the abandonment must have occurred prior to April 1, 1998, and that the child must have remained abandoned thereafter. However, an otherwise-eligible applicant could have either attained the age of 21 or married on or after January 1, 1996, or the date of orphanage or abandonment, whichever comes latest, and still qual ify for adjustment as a child under HRIFA.

(D) Determining Eligibility: Entry and Continuous Physical Presence .

Each HRIFA principal alien must demonstrate presence in the United States on December 31, 1995, continuing until the date on which adjustment of status is approved. Each unmarried son or daughter HRIFA applicant must demonstrate presence in the United States commencing not later than December 31, 1995, and continuing until the date on which adjustment of status is approved. Absences, with or without prior approval, totaling 180 days or less have no effect on eligibility. Furthermore, under certain circumstances, time outside the United States may be tolled and not count toward the 180-day maximum. Accordingly, the implementing regulations provide that:

· Travel pursuant to an advance parole authorization granted by INS or USCIS regardless of whether such travel exceeds 180 days, has no effect on eligibility.

· For an applicant who after December 31, 1998, departed from the United States without an advance parole, time spent outside the United States counts toward the 180-day cumulative time period.

· For an applicant who departed the United States between October 21, 1998, and December 31, 1998, time spent outside the United States on or after October 22, 1998, and prior to July 12,1999, does not count toward the 180-day cumulative time period. This provision was included in the regulations in order to allow otherwise-eligible individuals who were required to depart prior to the date of the field guidance on advance parole an opportunity to seek parole authorization from the Director of the NSC.

· Time spent outside the United States after the alien has submitted a request for parole into the United

States for the purpose of filing an adjustment application under HRIFA and before the alien is actually paroled for such purpose, does not count toward the 180 day cumulative total.

Physical presence for HRIFA purposes may be established in any of several specific ways identified in paragraph (c)(1). HRIFA applicants must produce documentation which is verifiable, through INS records, the records of other government agencies including public schools, or (if the applicant is applying as a child) the records of a private or religious school he or she attended. Affidavits and other secondary evidence may be accepted in unusual circumstances, if primary evidence is unavailable, only if such secondary evidence documents one or more of the specific actions enumerated in paragraph (c)(1) and which is conclusively verified by records. For example, an affidavit may be accepted which attests to the fact that an applicant was previously granted an employment authorization provided that records corroborate the issuance of that document. Documentation of continuous presence may be accepted from a wider range of sources than documentation of physical presence on 12/31/95. An interview is required in any case involving an applicant who has no prior record .

If file review indicates possible unexplained absence from the U.S. (e.g., a subsequent apprehension along the border, an application which was formally abandoned or other similar situation) the case should be referred to the appropriate local office for questioning and resolution.

Note
Departure from the United States after the filing of the application for adjustment constitutes an abandonment of the application for adjustment of status, unless the applicant applied for an advance parole prior to his or her departure, and INS or USCIS granted such advance parole request. Furthermore, the time spent outside the United States during an unauthorized absence counts toward the 180 day maximum allowed under the statute; this is likely to be significant if the alien either returns to the United States and files a new application for adjustment or files an I-131 seeking parole into the U.S. for the purpose of filing a new I-485 .

(E) Determining Eligibility: Inadmissibility . **[Chapter 23.13(d)(4)(E) updated 12-04-2006]**

The grounds of inadmissibility specified in the screening notes are inapplicable. See **Chapter 23.13(d)(2)(D)** above. Other grounds may be waived, on a case-by-case basis, provided eligibility exists pursuant to other provisions of the Act.

Waiver applications, with fee, may be filed and processed concurrently with a HRIFA adjustment application. All waiver cases must be referred for a personal interview to the local office having jurisdiction

over the applicant's residence unless , in the case of an applicant who is seeking to adjust status as the dependent child of a HRIFA principal, the Service Center Director determines that applicant is clearly eligible for approval of an I-601 waiver of the applicable provision .

(F) Dependent Eligibility .

No dependent's application for adjustment may be approved until the adjustment application of the principal applicant has been approved. Dependents already present in the United States should be encouraged to submit their applications simultaneously with the principal applicant.

Note
If the dependent relationship is created after the principal's status is adjusted (e.g., through a marriage, birth or adoption which occurred subsequent to the adjustment), HRIFA dependent status is not permitted. In such situations, the principal would be required to submit an I-130 petition for his or her dependent, if the dependent is not able to qualify as a principal HRIFA applicant in his or her own right. Also note that unlike HRIFA principals, HRIFA dependents do not have a filing deadline.

(e) Case Closing Actions .

(1) Approval .

Endorse the approval block on the I-485 . If the case is being approved at the local office following an interview, endorse the "applicant interviewed" block on the application. Sign Form I-181 and endorse it with the correct adjustment code, office information and date of action. Because of the extensive Congressional reporting requirements contained in the HRIFA statute, if was necessary for INS to create a multiplicity of class codes in order to be able to capture the requisite information. It is extremely important that class of admission codes be applied properly and in accordance with this table:

COA	**DESCRIPTION**
HA6	Principal HRIFA adjustee under section 902(b)(1)(A) as an alien who applied for asylum prior to December 31, 1995

HA7	HRIFA spouse of a principal granted under section 902(b)(1)(A)
HA8	HRIFA child of a principal granted under section 902(b)(1)(A)
HA9	HRIFA unmarried son/daughter of a principal granted under section 902(b)(1)(A)
HB6	Principal HRIFA adjustee under section 902(b)(1)(B) as an alien who was paroled into the U.S. prior to December 31, 1995
HB7	HRIFA spouse of a principal granted under section 902(b)(1)(B)
HB8	HRIFA child of a principal granted under section 902(b)(1)(B)
HB9	HRIFA unmarried son/daughter of a principal granted under section 902(b)(1)(B)
HC6	Principal HRIFA adjustee under section 902(b)(1)(C)(i) as a child who arrived without parents in the U.S.
HC7	HRIFA spouse of a principal granted under section 902(b)(1)(C)(i)
HC8	HRIFA child of a principal granted under section 902(b)(1)(C)(i)
HC9	HRIFA unmarried son/daughter of a principal granted under section 902(b)(1)(C)(i)
HD6	Principal HRIFA adjustee under section 902(b)(1)(C)(ii) as a child who was orphaned subsequent to arrival in the U.S.
HD7	HRIFA spouse of a principal granted under section 902(b)(1)(C)(ii)
HD8	HRIFA child of a principal granted under section 902(b)(1)(C)(ii)
HD9	HRIFA unmarried son/daughter of a principal granted under section 902(b)(1)(C)(ii)
HE6	Principal HRIFA adjustee under section 902(b)(1)(C)(iii) as a child who was abandoned subsequent to arrival and prior to April 1, 1998
HE7	HRIFA spouse of a principal granted under section 902(b)(1)(C)(iii)
HE8	HRIFA child of a principal granted under section 902(b)(1)(C)(iii)
HE9	HRIFA unmarried son/daughter of a principal granted under section 902(b)(1)(C)(iii)

Note

In some cases, the applicant may have applied under one category, but the adjudicating officer may find that he or she is more appropriately classified under another. In such cases, the adjudicating officer should approve the application under the more appropriate classification. For example, a child who was paroled into the United States, may have applied for adjustment of status claiming to be an orphan (classification HD-6), but be unable to provide evidence of the death of his or her parents. If the records

clearly show that the parole took place before December 31, 1995, and the alien is otherwise eligible for adjustment under HRIFA, approve the application under classification HB-6. Furthermore, in some cases, the code that the adjudicating officer determines is appropriate will differ from the one that was indicated at the time of initial data entry by the employee of the contractor. It is the responsibility of the adjudicating officer to ensure that the correct code is assigned at the time of cas e approval.

(A) Upon approval at the NSC:

· Update CLAIMS, thereby ordering the approval notices and production of the alien registration card (Form I-551), and entering new data into the Central Index System;

· If the file contains an unadjudicated asylum application, offer the alien the opportunity to withdraw that application by sending him or her a letter of withdrawal which can be signed and brought to the local office when he or she appears for ADIT processing (the local office person handling the I-551 processing should place the resulting withdrawal letter in the file and notify the appropriate asylum office so that the RAPS record may be updated); and

· If there is no other action pending, route the file to the file room for storage. If other action is pending, ensure that appropriate steps are taken.

(B) Upon approval at a local office:

· Advise the applicant of the decision (in person if the application is approved during the interview, by mail if it is approved afterwards);

· Process the applicant for an I-551;

· Endorse the passport with the "Processed for I-551 stamp" or issue a temporary I-551;

· If the file contains an unadjudicated asylum application, offer the alien the opportunity to withdraw

that application. Place the resulting withdrawal letter in the file and notify the appropriate asylum office so that the RAPS record may be updated; and

· If there is no other action pending (such as an application or petition to be adjudicated, Deportation Docket Control to be cleared, or lookout to be updated), route the file to the NSC for USCIS and CLAIMS updates and I-551 production. If such other action is required, ensure that such action is taken and then route the file to the NSC.

(2) Denial .

If a HRIFA adjustment application is denied, prepare a denial notice setting forth the specific basis for the adverse action. The denial notice may be served by personal service in accordance with **8 CFR 103.5a(a)(2)** . As with section 245 adjustment cases, HRIFA decisions are not appealable. The Immigration Court has jurisdiction to reconsider HRIFA eligibility during the course of a removal hearing. If the alien is:

· Already subject to a final order of removal, certify the case for review by the immigration judge, as described in paragraph (4), below.

· Not already in removal proceedings, but the application is denied and the alien is not maintaining status, institute removal proceedings.

· In removal proceedings which were administratively closed, or if a motion to reopen or reconsider was continued indefinitely with INS or USCIS consent, notify district counsel so that the removal proceedings may be recalendared or action on the motion may be reinstated.

· Notify the NSC of the decision so that the CLAIMS record may be updated.

(3) Supervisory Review .

HRIFA decisions are subject to the same review and quality assurance procedures as other adjustment of status cases. Follow local procedures for such review.

(4) Appeals and Certifications .

If a HRIFA adjustment cases is filed with, and denied by, INS or USCIS after the alien has been ordered removed by an immigration judge in proceedings in Immigration Court, certify the adverse decision for review to the Immigration Court which ordered the removal, in accordance with **8 CFR 245.15(r)(3)** . It is not necessary to certify denied cases where the alien has not been ordered removed, since the immigration judge has authority to reconsider HRIFA eligibility, along with other forms of relief, during the course of the removal proceedings. In the unlikely event that a HRIFA application is denied and the alien is maintaining valid non-immigrant status, certify the decision to the Administrative Appeals Office in accordance with **8 CFR 103.4(a)(4)** .

(5) Feedback to NSC .

For any applications adjudicated at the local office, and especially those which are denied, the adjudicator should review the case to determine whether there is any information which should be relayed to the NSC to assist that office in determining which cases should be interviewed. Such information should be directed to "NSC HRIFA I-485 POC" as a memo attached to the file or by e-Mail.

(f) Ancillary Applications . (Chapter 23.13(f); Revised 06/06/2005)

(1) Waivers. **[Chapter 23.13(f)(1) updated 12-04-2006]** Various immigrant waivers are available to HRIFA applicants on a case-by-case basis. Waivers may be filed concurrently with the application for adjustment or may be filed later, if an inadmissibility ground is identified subsequent to initial filing. Adjudication of a waiver should be completed in the local office at the time of interview, unless in the case of an applicant who is seeking to adjust as the dependent child of a HRIFA principal, the Service Center Director determines that applicant is clearl y eligible for approval of the waiver and approves the Form I-601 .

(2) Advance Parole: Alien Present in U.S. at Time of Request. The Nebraska Service Center Director is delegated authority to authorize advance parole of aliens whose properly filed applications for adjustment

under HRIFA are pending at the Nebraska Service Center, except those cases in which a final order has been issued. In any case where the alien is determined to be in removal proceedings, do not adjudicate the parole request, transfer the HRIFA application to the appropriate Immigration Court and the parole request to the local office. If the alien is not in proceedings, adjudicate the parole request, granting parole for the amount of time required for any legitimate business or personal reason. If the alien is the subject of a final order, the local office should contact the Parole and Humanitarian Assistance Branch, Office of International Affairs, Immigration and Customs Enforcement Office in Headquarters regarding any parole request.

Parole and Humanitarian Assistance Branch has the authority to provide an advance parole to a HRIFA applicant who is in court proceedings as well as one who has received a final order for court proceedings.

23.14 Adjustment of Status for Certain Syrian Nationals Granted Asylum (Public Law 106-378). (Added AD01-29).

(a) Eligibility .

Public Law 106-378 provides for the adjustment of status of a principal alien as well as an alien who is the spouse, child, or unmarried son or daughter of a principal alien.

(1) Principal alien .

In order to be eligible for adjustment under this law, the principal alien must:

(A) Be a Jewish national of Syria;

(B) Have arrived in the United States after December 31, 1991, after being permitted by the Syrian government to depart from Syria;

(C) Be physically present in the United States at the time of filing the application to adjust status;

(D) Apply for adjustment of status under Public Law 106-378 no later than October 26, 2001, or, have applied for adjustment of status under another provision of law prior to October 27, 2000, and request to have the basis of that application changed to Public Law 106-378;

(E) Have been physically present in the United States for at least one year after being granted asylum;

(F) Not be firmly resettled in any foreign country; and

(G) Be admissible as an immigrant under the Act at the time of examination for adjustment of status.

(2) Dependant spouse, children, or unmarried sons or daughters .

The dependant spouse, child, or unmarried son or daughter of an eligible Syrian national may also adjust status under Public Law 106-378 if he or she meets the requirements of (D), (E), (F) and (G) as listed above. While the dependent must be in the United States in order to apply for adjustment of status, and must have been in asylee status for at least one year, the dependent need not have entered before December 31, 1991 or any other specific date, need not be a national of Syria, and need not be Jewish . (NOTE: If the dependent is not in the United States, he or she may not benefit from the provisions of Public Law 106-378. Instead, if the overseas dependent is either the spouse or child (unmarried and under age 21) of the principal applicant, the principal applicant should be advised that he or she may file Form I-730 on behalf of such overseas dependent. There is no provision in Pub. L. 106-378 for the issuance of an immigrant visa to either a principal alien or a dependent who is outside the United States.)

(b) Filing Information .

(1) Application and fees .

Eligible Syrian nationals have 2 filing options: (A) Filing a new application, or (B) Requesting that the basis of a pending application for adjustment of status be converted to Public Law 106-378.

(A) New applications .

Eligible Syrian nationals must file Form I-485, Application to Register Permanent Residence or Adjust Status, with all associated forms and filing fees or fee waiver requests, unless otherwise stated in this memorandum. Applicants must submit a $25 fingerprinting service fee. New applications must be received by the Nebraska Service Center (NSC) on or before close of business on October 26, 2001. Applicants are instructed to mark " SYRIAN ASYLEE P. L. 106-378 " on the outside of their envelopes.

(B) Forms I-485 already pending .

(i) Pending Applications Filed prior to October 27, 2000 .

Eligible Syrian nationals who filed an application for adjustment of status with INS **prior to** October 27, 2000, on another basis of law are also eligible to request that the basis for their application for adjustment of status be converted to Public Law 106-378. These requests also must be submitted to the NSC, **and there**

is no filing deadline for the request . Applicants are instructed to mark " SYRIAN ASYLEE P. L. 106-378 " on the outside of their envelopes. Since there is a limit of 2,000 adjustments under this law, applicants have been instructed to make this request as soon as possible.

(ii) Pending Applications Filed on or after October 27, 2000 .

Eligible Syrian nationals who filed an application for adjustment of status with INS **on or after** October 27, 2000, on another basis of law are also eligible to request that the basis for their application for adjustment of status be converted to Public Law 106-378 following the same procedures as (2)(A) above. Under the terms of the statute, these requests are considered to be new applications, and as such, must be submitted to the NSC **prior to October 26, 2001** .

In any case, if an applicant makes this request and the pending application and/or the associated A-File is not located at the NSC, the NSC should request the A-File prior to adjudicating the application.

(iii) Simultaneous Filing .

An applicant with Form I-485 already pending may choose the option of filing a new Form I-485 with the NSC based on Public Law 106-378 instead of making a request for conversion. Such an applications must be submitted as a new application under paragraph (A) above.

(2) Medical . Each applicant is subject to the medical examination requirement as set forth in 8 CFR 245.5.

(c) Adjudication Criteria .

(1) Jewish National of Syria .

The applicant fulfills this requirement if line 16 of the applicant's asylum claim lists his or her religion as Jewish. If that information is not available, USCIS may accept the applicant's claim that he or she is Jewish. No proof other than the information found on the application for asylum or the applicant's own statement

may be requested for this requirement. For proof of Syrian nationality, the Service will accept standard evidence, for example, a passport or birth certificate.

(2) Arrived in the United States after 12/31/91, after Being Permitted by the Syrian Government to Depart from Syria .

USCIS will accept standard evidence, for example, a passport or I-94, as proof of arrival. USCIS systems such as USCIS or RAPS may also contain the date of arrival and can be utilized as proof.

(3) Admissibility .

An applicant must be admissible as an immigrant at time of examination. An applicant may request any waiver found at 212(g), (h), (i), and (k) of the Act, to the extent that he or she is eligible for the waiver. Additionally, the ground of inadmissibility at section 212(a)(4) of the Act, relating to public charge, is automatically waived. (NOTE: Although the alien has been granted asylee status, since he or she is applying for adjustment under Pub. L. 106-378 and not under section 209 of the Act, he or s he is not eligible for the more generous waiver provisions of section 209(c) of the Act.)

(4) Visa numbers .

No visa numbers should be assigned to those Syrian nationals whose status is adjusted under Public Law 106-378. The appropriate adjustment code (see below) should be used on the I-181.

(5) Date of adjustment .

A date one year prior to the date of approval is used as the date of adjustment on the I-181. The notation referring to Public Law 106-378 should be made on the Form **I-181** as the law under which the adjustment occurred.

(6) Decision .

(A) New applications .

(i) If an applicant is *eligible* for adjustment of status under Public Law 106-378, USCIS should adjust the applicant under Public Law 106-378 and subtract one from the 2,000 limit.

(ii) If an applicant is *ineligible* for adjustment of status under Public Law 106-378, USCIS should deny the application.

(B) Applicants with pending applications .

(i) If an applicant is *eligible* for adjustment of status under *both* Public Law 106-378 and section 209 of the Act, USCIS should adjust the applicant under Public Law 106-378 and subtract one from the 2,000 limit.

(ii) If an applicant is ineligible for adjustment of status under Public Law 106-378, USCIS should examine the reason for the alien's ineligibility. If the reason does not also make the alien ineligible to adjust status under section 209 of the Act, USCIS should provide the applicant with notice (1) that he or she is ineligible under Public Law 106-378, and (2) that the Form I-485 will be returned to the queue for asylum-based adjustment.

(iii) If an applicant is *ineligible* for adjustment of status under *both* Public Law 106-378 and section 209 of the Act, the pending Form I-485 should be denied.

(d) New Adjustment Codes .

Applications adjusted under the provisions of Public Law 106- 378 must be identified by a separate immigrant adjustment code recently created for this kind of asylee. Use of a distinct immigrant code enables the NSC to count the number of Syrian asylees who adjust. The new immigrant codes used for the adjustment of the Syrian asylees are as follows:

CODE	DESCRIPTION
SY6	Syrian national who was granted asylum and adjusts to permanent resident status under Public Law 106-378
SY7	Syrian national spouse of a principal SY6 applicant, who was adjusted to permanent resident status under Public Law 106-378.
SY8	Syrian national child or unmarried son or daughter of a principal SY6 applicant, who was adjusted to permanent resident status under Public Law 106-378.

Note:
The codes SY7 and SY8 apply only to spouses, children or unmarried sons or daughters of a principal Syrian asylee. These individuals adjust as dependent family members and count toward the 2,000 limitation stipulated in Public Law 106-378.

(e) Required Field Office Action .

Field offices are to identify all potentially eligible Syrian asylee adjustment applications and forward them and the related A-files to NSC within 30- days of this memorandum. The appropriate code, "SY6, SY7 or SY8" and reference to Public Law 106-378 must be noted. A-files are to be routed to the NSC in separate batches, with individual cover sheets attached to the outside face of each file reflecting " **SYRIAN ASYLEE P. L. 106-378 "** . If, for whatever reason, a field office cannot accomplish this goal, they are to provide a report to their respective region identifying each case, explaining the reason(s), and advising the anticipated date of completion of the A-file transfer. Regions are requested to review the report and take appropriate action.

(f) Service Center Action on Approved Asylee Applications .

The NSC must review all asylum adjustment cases received via Direct Mail as well as all cases forwarded to them from the field to cull out those Syrian nationals whose applications contain evidence of Syrian nationality, arrival in the United States after December 31, 1991, and a grant of asylum or asylee dependent status. The NSC must also retrieve A-files belonging to qualifying Syrian applicants inappropriately coded as "AS" adjustments, and take corrective action. A list containing the names of Syrian asylees has already been provided to the NSC to help in this regard. The NSC will also track the total number of cases approved. After the NSC approves 2,000 principal beneficiaries under this law, the NSC will stop adjudicating applications, and will notify HQ ISD and HQ ADN that the numerical limitation has been reached.

(g) Supplemental Filing Instructions .

The Form I-485 supplemental filing instructions are being modified to instruct qualified applicants to identify themselves by writing **" SYRIAN ASYLEE P. L. 106-378 "** in Part 2, Block 2. Since many qualified Syrian asylees may be unaware of their special classification or the correct way to claim it, the NSC should review all newly submitted asylee adjustment applications, and, when appropriate, endorse the Form I-485 as described above. When an applicant's eligibility to adjust under Public Law 106-378 has been verified, the adjudicator will check the "other" block in the "Section of Law" portion of the FOR INS USE ONLY Section of Form I-485 and will enter the notati on, " **Public Law 106-378 .** "

(h) Conclusion .

Segregating the Syrian asylum adjustments for proper adjudication is essential to preserve the use of the 10,000 visa numbers authorized annually for other asylees who are eligible to adjust their status. If you have questions regarding the adjudication of Syrian-processed asylum adjustments, please contact your center or regional representative.

Appendix 23-1 Civil Surgeon List, has been superseded by USCIS Policy Manual, Volume 8, Part C: Civil Surgeon Designation and Revocation as of March 11, 2014.

Appendix 23-2 Report of the Law Library of Congress on Nicaraguan Nationality Legislation.

Report of the Law Library of Congress

on Nicaraguan Nationality Legislation

LOC Rpt No. 98-3236.2

Nicaraguan nationality is basically governed by the Nicaraguan Political Constitution of 1987, as amended. **/1** It is also governed by the Law on Nationality of 1992. **/2**

Although the Law on Nationality was promulgated in 1992, its regulation still has not been promulgated. Therefore, in preparing this report, inquiries were made to the General Directorate of Migration and Foreign Affairs with respect to those provisions of the Law on Nationality whose means of implementation were not clear.

Under the Constitution **3** and under the Law on Nationality, **4** two categories of persons are considered Nicaraguan: "nationals" and "naturalized individuals."

NATIONALS

Nicaraguan legislation uses two doctrinal concepts as the basis for defining who are nationals. These are *jus soli* and *jus sanguinis* , **5** which are internationally defined as follows:

jus soli . According to this principle, nationality is determined by the place of one's birth - the right of the soil or the land. **6**

jus sanguinis . According to this principle, nationality is determined by the nationality of one's descent - the right of blood. **7**

In other words, the Nicaraguan category of nationals includes persons born under either of the doctrinal classifications *jus soli* or *jus sanguinis* .

Nationality Through *Jus Soli*

Under article 16 of the Constitution, nationals are identified as follows:

1. Individuals born in Nicaraguan territory (*jus soli*). Exception to this rule are:

a. children of foreigners in diplomatic service;

b. children of foreign officials serving international organizations; and

c. those sent by their government to work in Nicaragua, unless they choose to solicit Nicaraguan nationality. **8**

With respect to nationality through birth, no exception other than the ones listed above are provided for by the Constitution or by the Law on Nationality. Therefore, children born in Nicaragua who are not under any of the above categories (a-c) are Nicaraguan nationals, even if their parents are not residents of Nicaragua, are not Nicaraguan nationals, or are unlawfully present in Nicaragua.

No Nicaraguan territory is leased to, occupied by, or otherwise under the control of another country. Therefore, cases of children born in Nicaraguan territory under such circumstances do not occur in Nicaragua.

2. Infants of unknown parents found in national territory; they are subject to change of status in accordance with the law if it is appropriate, should their family become known.

3. Children born to foreign parents on board a Nicaraguan boat or place, if and when they apply for naturalization. **9**

Type of Documentation Issued to a Person Deemed to Be a National by *Jus Soli*

Birth Certificate

The Civil Code of Nicaragua mandates that each village and town of the country shall have an office of the Civil Registry. Among the functions of this office are registering the births that occur in the locality and issuing the birth certificate of the persons registered there. Therefore, the birth certificate is the most basic document issued to persons born in Nicaraguan territory. **10**

Passport

The legislation on passports currently in force does not say whether or not passports shall be issued only to Nicaraguans, or whether or not passports may be issued in exceptional cases to a non-Nicaraguan. In response to an inquiry on this issue, the Directorate General of Migration and Foreign Affairs indicated that in actual practice the Directorate grants Nicaraguan passports only to Nicaraguan nationals. **11**

The data in Nicaraguan passports include: the current nationality and the actual place of birth of the passport's holder. Passports, which are issued by officers authorized to do so, are under the Code of Civil Procedure, public documents. **12** The validity of a passport may be challenged only in court. **13** Therefore, a Nicaraguan passport may be used as proof of nationality.

Citizen ID Card

Before the specifics of the ID card issued in Nicaragua can be explained, an explanation of the concepts of nationality v. citizenship under the laws of Nicaragua is needed. In Nicaragua these two concepts are not

synonymous. In addition, the words "citizen" and "citizenship" do not have the same meaning in Nicaragua as in the United States.

A Nicaraguan national is a person who is deemed Nicaraguan by reason of birth or by naturalization. **14** A citizen (*ciudadano*) is a Nicaraguan national who has reached the age of sixteen. **15** In the United States, under the XIV Amendment of the Constitution, "... [a]ll persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside... " **16**

An ID card is issued to each Nicaraguan citizen; more specifically, an ID card is issued to those individuals who are nationals either by birth or by naturalization, have reached the age of 16, and request it. The card is called tarjeta de identidad ciudadana (citizen ID card). **17**

The Law on Citizens ID (*Ley de Identidad Ciudadana*) charges the Supreme Electoral Council (*Consejo Supremo Electoral*) through the National Commission on Registration (*Comisión Nacional de Cedulación*) and the General Directorate of Registration (*Dirección General de Cedulación*) with the responsibility of issuing the citizen ID Card. **18** Regional and municipal directorates of registration are located throughout the Republic. **19**

Nicaraguans residing abroad who have reached the age of 16 but have not obtained a Nicaraguan citizen ID card may request it at any time before the General Consulate of Nicaragua of the corresponding jurisdiction. **20**

In Nicaragua, a citizen ID card can be used as verification of personal identity in all circumstances where a personal ID is needed, including voting in national elections. **21** It should be borne in mind that Nicaraguan nationals who are younger than 16 years of age cannot hold a citizen ID card.

Citizens ID cards are standardized throughout the country. **22**

Nationality Through *Jus Sanguinis*

Under the same article 16 of the Constitution explained above, the following persons are classified as Nicaraguan nationals:

1. The children of a Nicaraguan father or mother.

2. Children born out of the country to fathers or mothers who originally were Nicaraguan, if and when they apply for naturalization after reaching legal age or emancipation. **23**

The above listed provisions of article 16 of the Constitution were adopted literally and included in article 3 of the Law on Nationality. **24**

Nicaragua also uses also the concept of *jus sanguinis* as a basis of nationality. Therefore, a persons (sic) born outside Nicaragua whose father and/or mother is a national is entitled to have Nicaraguan nationality. To have civil effects, however, this status has to be recognized by the State. According to the Civil Code, such recognition can be achieved by registering the children's birth before the Office of the Civil Registry under the responsibility of the Nicaraguan consulates. **25** At the Nicaraguan consulates, the father and/or mother of the child have to prove their Nicaraguan nationality. **26**

The Law on Nationality provides that children who fall under the doctrine of *jus sanguinis* may have double nationality. However, within a period of two years after reaching the legal age or emancipation, they must ratify their Nicaraguan nationality or renounce claim to it before the Directorate General of Migration and Foreign Affairs. **27** The authorities who confer the children's new status are the Ministry of the Interior (*Ministro de Gobernación*) and the Director General of Migration and Foreign Affairs. **28** If these children decide to ratify their Nicaraguan nationality, they must make a statement of allegiance to Nicaragua. **29**

Documents Issued to a Person Deemed to Be a National by *Jus Sanguinis*

- Birth certificate issued abroad by the Nicaraguan consul. **30**

- Passport. Persons living abroad may request a passport from the Nicaraguan Consul, who sends the

application to the Directorate General of Migration and Foreign Affairs in Managua. Once the passport is issued by this institution, it is sent to the Nicaraguan Consul, who hands it to the applicant. **31**

· Resolution of the Directorate General of Migration and Foreign Affairs approving his/her ratification of the Nicaraguan nationality. The interested party must take this document and publish it in *La Gaceta, Diario Oficial* . Until the document is published, the ratification is not legally binding.

· Certificate of the above resolution. This document constitutes the certificate of ratification of nationality. **32**

· Citizen ID Card, which can be obtained at the Nicaraguan Consulate. As explained above, the ID card can be obtained only after a person has reached the legal age or emancipation. **33**

NATURALIZED INDIVIDUALS

Foreigners may become nationals by naturalization if they have previously resigned their prior nationality. Article 7 of the Law on Nationality provides that a foreigner may apply to become a natural after meeting the following requirements:

a. Submitting proof of residence in the country for four continuous years from the date he/she obtained permanent residence documentation.

b. Submitting proof of the means of earning a legal living.

c. Submitting documents verifying good behavior and lack of a criminal record.

d. Submitting a certificate from an educational authority testifying the foreigner's adequate knowledge of Spanish, Nicaraguan history and geography, and the political and social organization of the country. **34**

As explained above, the implementing regulation to the Law on Nationality has not yet been promulgated. For this reason, the General Directorate of Migration and Foreign Affairs has not yet established a procedure to implement the above provision. Therefore, the requirement that the applicant have knowledge of the history, geography, and political and social organization of Nicaragua is not currently being enforced. With respect to the requirement that an applicant know Spanish, when an alien applying for naturalization appears before the Directorate of Migration and Foreign Affairs the officer who receives the application tests the applicant's knowledge of Spanish by engaging him/her in an informal conversation, usually involving issues related to the foreigner's application. **35**

Article 8 of the Law on Nationality provides that a foreigner may become a national by naturalization with only a two-year permanent residence requirement instead of the normal four-year requirement if he/she complies with the following requirements in addition to the requirements (b-d) listed above.

· The applicant is a national from Spain or from states that have adopted the principle of reciprocity;

· The applicant is a foreign spouse of a Nicaraguan and remains married. This last requirement would not be enforced if the foreign spouse had lost his/her original nationality because of his/her marriage to the Nicaraguan. **36**

Article 9 of the Law on Nationality provides that foreigners who have established an industry or are engaged in an activity which contributes to the economic, social, and cultural development of the country may become nationals by naturalization with only two years of permanent residence. In addition, they must have previously resigned their original nationality and have met the requirements provided in paragraphs b-d of article 7, as explained above. **37**

Nicaraguan nationality acquired through naturalization is inclusive as regards the naturalized individual's underage children. However, after reaching the legal age or emancipation, these children must decide to keep either their Nicaraguan nationality or their original nationality. **38**

Naturalized Nicaraguans have the same rights and obligations as nationals except with respect to the limitations that the Constitution and the Law establish. **39**

Procedural Issues

When applying for naturalization, the applicant has to pay a fee of 250 *Córdobas* (US$22). **40** The authorities who confer the nationality are the Ministry of the Interior (*Ministro de Gobernación*) and the Director General of Migration and Foreign Affairs. **41** The ceremony of naturalization is a short one, always presided over by the Director General of Migration and Foreign Affairs. This ceremony is occasionally also presided by the Ministry or Vice-Ministry of the Interior. An average of four ceremonies of naturalization take place per year, although there is no specific rule on this issue. The ceremony generally takes place at the Directorate General of Migration and Foreign Affairs. A special oath of allegiance is taken at the ceremony. **42** The specific words of the oath were not available to the author of this report.

Type of Documentation Issued to a Person Deemed to Be a National by Naturalization.

Passport

The specifics about Nicaraguan passports are explained above (see section on passport).

Naturalization Documents

The Directorate General of Migration and Foreign Affairs furnishes the following documents to those who become Nicaraguans by naturalization.

a. The resolution of the Directorate granting the Nicaraguan nationality. The grantee must take this document and publish it in *La Gaceta, Diario Oficial* . Until the resolution has been published, it is not legally binding.

b. A certificate of the above resolution. This document constitutes the naturalization certificate.

National ID Card

Appendix 23-3 Report of the Law Library of Congress on Haitian Nationality Legislation.

Report of the Law Library of Congress

on Haitian Nationality Legislation

LOC Rpt No. 99-1104

Haitian nationality appears to be governed by Title II of the 1987 Constitution, **1** which was reinstated by the Decree of March 26, 1990, **2** and by the Decree of November 6, 1984, on Haitian Nationality **3** . However, the legal material available at the Law Library is incomplete, and the Library has received no new legal material on Haiti since the beginning of 1997. This report is divided into two parts. Part I provides a translation from French into English of the main provisions of the law. Part II covers the specific questions listed in the request.

PART I: TRANSLATION

Constitution

The Constitution sets forth the following principles:

Article 11: All persons born of a Haitian father or a Haitian mother -- who are themselves native-born Haitians and have never renounced their nationality -- possess Haitian nationality at the time of birth.

Article 12: Haitian nationality may be acquired by naturalization.

Article 12-1: After five (5) years of continuous residence on the territory of the Republic, any foreigner may obtain Haitian nationality by naturalization, in conformity with the regulations established by the Law.

Article 13: Haitian nationality is lost by:

a) naturalization acquired in a foreign country;

b) holding a political post in the service of a foreign government;

c) continuous residence abroad for three (3) years by a naturalized Haitian without a duly granted authorization from a competent authority. Anyone who loses his nationality in this manner may not reacquire it.

Article 14: A Haitian who took another citizenship by naturalization may recover his Haitian nationality by meeting all the conditions and formalities imposed on aliens by the Law.

Article 15: Dual Haitian and foreign nationality is in no case permitted.

Decree of November 6, 1984

The Decree covers the following: (1) nationality of origin; (2) naturalization: effects and formalities; and (3) loss of Haitian nationality.

Nationality of Origin

Article 1: The Haitian nationality may be acquired by birth, naturalization, or by special favor of the law.

It may be proved by civil status certificates, the possession of Haitian status, and any other legal means.

Article 2: The following categories of persons possess Haitian nationality at birth:

Any person born in Haiti of a Haitian father or a Haitian mother;

Any person born abroad, of a Haitian father and mother;

Any person born in Haiti, of a foreign father or, if not recognized by his father, of a foreign mother, so long as he is descended from the black race.

The recognition of the individual by a foreign father at a later date will not affect his nationality.

Article 3: The Haitian woman who marries a foreign national does not lose her Haitian nationality.

Article 4: The Haitian woman whose husband takes a foreign nationality after the marriage keeps her Haitian nationality unless she takes an other nationality by naturalization.

Children born before the naturalization nevertheless remain Haitian.

Any person born in Haiti of an unknown father and mother or of known father and mother whose nationality is unknown acquires Haitian nationality by virtue of the declaration of his birth before the Official of the Civil Status.

However, he is considered to have never acquired Haitian nationality, if, before he reaches his majority, it

is established that his father and mother or either one of them is a foreign national and that neither of them is descended from the black race.

Article 5: Those are also Haitians who up to this date have been recognized as such.

Article 6: Any person born in Haiti, of a foreign father and mother who are not descended from the black race, any person born in Haiti, of a foreign father and mother who are themselves native of Haiti and are not descended from the black race, any person not recognized by his father, born in Haiti, of a foreign mother who is not descended from the black race may acquire Haitian nationality by means of a simple declaration at the *Parquet* (Prosecution Department) of the Civil Tribunal of his residence during the year of his majority.

In his declaration the individual renounces his foreign nationality and adopts Haitian nationality.

Article 7: The child born in a foreign country of a foreign father and of Haitian mother will retain his foreign nationality until the year of his majority, at which time, he may acquire the Haitian nationality by means of a declaration at the Prosecution Department of the Civil Tribunal of his residence.

Article 8: The child born in a foreign country, of a foreign father and an Haitian mother may during the year of his majority, if he resides in Haiti or if he just moved there, acquire the Haitian nationality by means of a declaration at the Prosecution Department of the Civil Tribunal of his residence.

Article 9: The Haitian woman married to a foreigner who loses her nationality in conformity with paragraph 3 of article 26 of this decree will recover her Haitian nationality by a declaration at the Prosecution Department of the Civil Tribunal of her residence, if her husband acquires Haitian nationality.

The children of this naturalized foreigner, who have reached the age of majority, even though they be born outside Haiti, may, if they request it, acquire Haitian nationality, without a probation period, either by a presidential decree granting Haitian nationality to their father or by declaration at the Prosecution Department of the Civil Tribunal of their residence in conformity with the terms of article 6 of this Decree.

Minor children born in a foreign country have the option, during the year they reach their majority, to acquire Haitian nationality by the same declaration.

Article 10: Minor children of a surviving father or surviving mother who has become a naturalized Haitian will benefit from the same privilege, under the same conditions.

Article 11: A foreign woman married to a foreigner who became Haitian by naturalization becomes Haitian by means of a simple declaration at the Prosecution Department of the Civil Tribunal of her residence.

Article 12: The Haitian woman whose Haitian husband acquires another nationality by naturalization after their marriage shall retain her Haitian nationality, unless she herself acquires another nationality by naturalization.

Children born before the naturalization remain Haitian.

Article 13: For young people who by law have the option during the year of their majority, to become Haitian without a probation period, the fact to join the Haitian army or to take part in the draft, and in general to exercise the rights and/or to undertake the obligations attached to the Haitian nationality, without advancing their alien status, will be equivalent when they reach their majority to the declaration provided by the present Decree and will exempt them from such declaration.

Article 14: When the declaration provided by the present Decree is not made within the prescribed time period, at the competent Prosecution Department, it is left to the discretionary power of the President of the Republic, based on reasons that in his sovereign estimation warrant it, to authorize its admission at a later date, when the individual concerned was not able to act on time due to reasons beyond his control.

Naturalization and Its Effects

Length of Residence

Article 15: Any foreigner may after lawfully residing for five (5) years on the territory of the Republic acquire Haitian nationality in conformity with the rules established by the present Decree.

Article 16: The required time of residency prescribed in article 15 above may be reduced to two years for any foreigner who: has married a Haitian woman, will have rendered important services to Haiti, will have brought distinguished talents, or introduced an industry, a trade, an art or a useful invention, or created an industrial or agricultural enterprise.

For reasons that in his sovereign estimation warrant it and in the interest of the country, even before the residency requirement deadline, the President of the Republic may grant Haitian nationality to any foreigner who requests it.

Article 17: The foreigner who accepts a civil or military post and keeps it for five years acquires Haitian nationality, unless he declares in a document served to the Prosecution Department of the Civil Tribunal of his residence his intent to retain his nationality.

Article 18: Individuals who became Haitian by naturalization may exercise their political rights ten (10) years after their naturalization.

Procedure

Article 19: The naturalization request is addressed to the Ministry of Justice. The following documents must be attached to the request:

a) the applicant's residency permit;

b) his identification card;

c) a residency certificate signed by a local magistrate or a Justice of the Peace;

The foreign national who is exempt from the formalities concerning the residency permit must replace this document with any other relevant papers or documents.

Article 20: After a background check by the Ministry of Interior concerning the moral character of the foreigner, the Minister of Justice forwards, with its reasoned opinion, the request and the supporting documents to the President of the Republic.

Article 21: The President of the Republic signs a Decree for each naturalization. The decree is published in the Official Gazette.

Article 22: Before the publication [in the official gazette], the individual must take the following oath before the Senior Judge of the competent Civil Tribunal:

"I renounce all motherlands other than Haiti."

On the cases envisioned in the second paragraph of article 16 of the present Decree, the documents mentioned in article 19 are not necessary.

Article 23: A special fixed fee of 5000 Gourdes (approximately US$ 300) is due when the Ministry of Justice advises the applicant that the President of the Republic has acceded to his naturalization request.

Unless exempted from the fee by the President of the Republic, the naturalized individual cannot claim any privilege or advantage resulting from Haitian nationality until he pays the fee.

Article 24: Declarations to opt for Haitian nationality are made at the Prosecution Department of the Civil Tribunal of the applicant's residence.

The declarations are subject to a fee of 250 Gourdes (approximately US$15)

The Ministry of Justice gives its approval at the bottom of the page when all the conditions are meet (sic).

After receiving the above mentioned fee, the Ministry of Justice will publish a notice in the Official Gazette stating that the option is regular and valid.

Article 25: Any individual wishing to make known that he meets all the conditions required by law to benefit from Haitian citizenship must address a request to that end to the Ministry of Justice with a fee of 100 Gourdes (approximately US$6). The supporting documents must be attached to this request.

After the necessary verifications, if the request is granted, the Ministry of Justice will publish a notice in the Official Gazette stating that the individual is a citizen of Haiti.

Loss of Haitian Nationality

Article 26: Haitian nationality is lost by:

1) naturalization in a foreign country, unless there exist between Haiti and the new country of adoption of the individual concerned a convention on dual nationality, according to the provisions of article 18 of the Constitution; **4**

2) abandoning the motherland at a time of imminent danger;

3) by making an obvious choice or by actively benefitting from a foreign nationality in cases of conflict of nationalities;

4) rendering services or dealing with the enemies of the Republic;

5) taking arms or inciting people to take arms against the Republic;

6) continuous residence abroad, for at least three years of a naturalized Haitian without duly granted authorization by a competent official. Anyone who loses his nationality in this manner may not reacquire it.

Article 27: When a Haitian, be he by origin or naturalization, is convicted by a definitive and adversary judgment to severe, life-time [affictives et infamantes], he loses the privileges of citizenship while remaining a Haitian national.

Article 28: The naturalized Haitian who return to Haiti may be prosecuted for crimes and offenses committed before his naturalization, unless the statute of limitation has run out.

Article 29: No Haitian may be denaturalized in Haiti. He must previously have resided in a foreign country. Otherwise, the denaturalization act does not have any legal effect in Haiti.

By the same token, the registration for naturalization of a Haitian in one of the legation or consulates established in Haiti does not have any legal effect in Haiti.

Article 30: The loss of Haitian nationality is established by a decree of the President of the Republic and is published in the Official Gazette.

PART II: SPECIFIC QUESTIONS

Citizenship Through Birth *Jus Soli* :

1. Are all persons born within the territory of Haiti deemed to be citizens?

No. Two categories of individuals possess Haitian nationality at birth based solely on their birth on Haitian territory:

· Any person born in Haiti of a foreign father or, if not recognized by his father, of a foreign mother, so long as he is descended from the black race; **5**

· Any person born in Haiti of unknown father and mother or of known father and mother whose nationality is unknown acquires the nationality by virtue of the declaration of his birth before the Official of the Civil Status. However, he is considered to have never acquired the Haitian nationality, if, before he reaches his majority, it is established that his father and mother, or either one of them, is a foreign national and that neither of them is descended from the black race. **6**

For other persons born in Haiti, the law requires that at least one of the parents be Haitian. **7**

2. What type of documentation is issued to a person deemed to be a citizen at birth *jus soli*?

The Haitian Civil Code provides that declarations of birth shall be made within one month of the delivery to the Official of Civil Status of the place of residence of the mother or the place of birth of the child. The certificate of birth shall be drawn up immediately in the presence of two witnesses. It will be entered in the births register. **8**

Under civil law, Acts of Civil Status such as birth, marriage, and death certificates are entered in special registers. These registers are kept in duplicate. Mention of any modification of a person's status (e.g., marriage, divorce, adoption, change in name) shall be made in the margin of the birth certificate in order to centralize all information regarding the status of that person.

The certificate of birth shall state the day, hour, and place of birth, the sex of the child and the first names given to him, the first names, last names, ages, professions, and domicile of the father and mother, and the names of the witnesses. **9**

Extracts from the registers may be delivered to any person requesting them. **10**

When a birth has not been declared within the legal period of time, the Official of the Civil Status may relate it in the births register only by virtue of a judgment rendered by the Civil Tribunal of the place of birth of the child or of his domicile. **11**

The Decree of September 21, 1987 **12** establishing a national system of identification for all persons living in the territory of the Republic requires that each person be identified at the time of his birth or when admitted to the territory. The fundamental elements of the identification are: the family name, first names, sex, nationality, age, names of father and mother, and any particular visible marks.

This identification is done by the *Office National d'Identiflcation* .

At age 18, each person must apply for an identification card. The applicant is given a number that he will retain all his life. Haitians by birth must provide their birth certificate, which can be replaced by an affidavit. Haitians by naturalization must present the Official Gazettes in which their naturalization decrees were published. The identification card must be renewed every ten (10) years.

3. Is such documentation standardized throughout the country?

Yes. This documentation is standardized throughout the country.

Citizenship Through Birth *Jus Sanguinis* :

1. Does Haiti confer citizenship at birth to persons born outside the country to parents who are citizens?

Yes. The 1984 decree provides that "any person born abroad of a Haitian father and mother possesses the Haitian nationality at birth," **13** 13 and the Civil Code states that "any person born in Haiti or abroad of a Haitian father or a Haitian mother is Haitian." **14**

2. If so, what requirements, if any, must the citizen parents meet in order to pass on citizenship?

Article 11 of the 1987 Constitution requires that the parents be natives of Haiti and have never renounced their nationality. This text is silent as to the place of birth of the child. These requirements are not found in the 1984 Decree or the Civil Code.

3. Can citizenship be passed from just one Haitian parent, or must both parents be citizens?

Citizenship can be passed from just one parent when the child is born in Haiti. It appears also that citizenship can be passed from just one Haitian parent when the child is born abroad. Article 11 of the 1987 Constitution, which provides that "any person born of a Haitian father or a Haitian mother--who are themselves native-born Haitians and have never renounced their nationality--possesses Haitian nationality at the time of the birth," is silent as to the place of birth. The Code Civil states that "any person born in Haiti or abroad of a Haitian father or a Haitian mother is Haitian," and refers to Article 11 of the Constitution. Only the 1984 Decree requires that both parents be Haitian.

4. Must someone who is a dual national make a statement of allegiance at a particular age in order to retain citizenship in Haiti?

Haiti does not recognize dual citizenship. The 1984 Decree provides for a list of individuals who have the right to opt for Haitian citizenship when they reach their majority. **15**

5. What type of documentation is issued to a person deemed to be a citizen at birth *jus sanguinis* ?

A person deemed to be a citizen at birth *jus sanguinis* receives the same documentation that a citizen at birth *jus soli* receives.

6. Is such documentation standardized?

Yes.

7. Are consulates outside Haiti empowered to make determinations and issue documentation regarding birth *jus sanguinis*?

Haitian consuls are empowered with the competence of the Officials of the Civil Status. In that capacity, they record births in conformity with the provisions of the Civil Code stated above, and forward copies of these certificates to the Foreign Affairs Ministry in Haiti. In addition, they deliver passports. **16**

The Civil Code provides that any act of the civil status concerning a Haitian citizen that is drawn abroad in conformity with the law of that country is valid. **17**

Citizenship Through Naturalization

1. What are the requirements for applying for citizenship?

Any foreigner, after lawfully residing for five (5) years on the territory of the Republic, may apply for Haitian citizenship. This required time of residency may be reduced to two years for any foreigner who has married a Haitian woman, has rendered important services to Haiti, has brought distinguished talents, or introduced an industry, a trade, an art or a useful invention, or created an industrial or agricultural enterprise.

In addition, the President of the Republic may grant Haitian citizenship before the residency requirement deadline for reasons that in his sovereign estimation warrant it and are in the interest of the country. **18**

2. Is there an examination for becoming a citizen?

No. The Ministry of Interior conducts a background check on the moral character of the applicant.

3. Is there a fee for applying for citizenship?

Yes. There is a fee of 5000 gourdes (approximately US$ 300). The fee is due when the Ministry of Justice informs the applicant that the President of the Republic has acceded to his request. Unless exempted from the fee by the President of the Republic, the naturalized individual cannot claim any privilege or advantage resulting from Haitian nationality until he pays the fee. **19**

4. Are there special requirements for persons who are married to a citizen of the country?

It appears that there are no special requirements.

5. Who has the authority to confer citizenship?

The President of the Republic confers citizenship by decree. **20**

6. What, if any, is the ceremonial procedure at which one naturalizes?

The individual must take the following oath before the Senior Judge of the competent Civil Tribunal:

"I renounce all motherlands other than Haiti." **21**

7. What type of documentation is issued to a person deemed to be a naturalized citizen?

The naturalization decree is published in the Official Gazette. **22**

Expatriation

1. Under what conditions may someone lose Haitian nationality?

Haitian nationality is lost by **23** :

a) naturalization acquired in a foreign country;

b) holding a political post in the service of a foreign government;

c) abandoning the motherland at a time of imminent danger;

d) making an obvious choice or actively benefitting from a foreign nationality in cases of conflict of nationalities;

e) rendering services or dealing with the enemies of the Republic;

f) continuous residence abroad, for at least three years of a naturalized Haitian without duly granted authorization by a competent official;

g) taking arms or inciting people to take arms against the Republic.

2. Is expatriation automatic upon taking of certain actions or must there be a specific and individual finding of expatriation?

The law provides only that the loss of Haitian nationality is established by decree signed by the President of the Republic. **24**

3. Who is empowered to make determination on expatriation?

The law states only that the President of the Republic signs the decree establishing the loss of the nationality. The law is silent as to the procedure used. **25**

4. What type of documentation is issued?

The decree is published in the Official Gazette. **26**

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November 1998

Appendix 23-4 Text of Commissioner's Memorandum for Eligibility for Permanent Residence uncer the Cuban Adjustment Act Despite Having Arrived at a Place other than a Designated Port of Entry.

TEXT OF COMMISSIONER'S MEMORANDUM ON ELIGIBILITY FOR PERMANENT RESIDENCE UNDER THE CUBAN ADJUSTMENT ACT DESPITE HAVING ARRIVED AT A PLACE OTHER THAN A DESIGNATED PORT OF ENTRY

Apr 19, 1999

MEMORANDUM FOR ALL REGIONAL DIRECTORS

ALL DISTRICT DIRECTORS

ALL CHIEF PATROL AGENTS

ALL OFFICERS IN CHARGE

FROM: Doris Meissner /s/ Doris Meissner

Commissioner

SUBJECT: Eligibility for permanent residence under the Cuban Adjustment Act despite having arrived at a place other than a designated port of entry .

This memorandum sets forth Immigration and Naturalization Service (Service) policy concerning the effect of an alien's having arrived in the United States at a place other than a designated port of entry on the alien's eligibility for adjustment of status under the Cuban Adjustment Act of 1966 (CAA), 8 U.S.C. § 1255,

note. This issue arises because many CAA applicants, in fact, arrive in the United States in an irregular manner. Section 1 of the CAA, however, requires that they must be "admissible." CAA § 1, 8 U.S.C. § 1255, note. If the inadmissibility ground that is based on an alien's having arrived at a place other than a port of entry, Immigration and Nationality Act (INA) § 212(a)(6)(A)(i), 8 U.S.C. § 1182(a)(6)(A)(i), applies to CAA applicants, then many aliens who were formerly eligible for adjustment of status will no longer be eligible.

The policy of the Service is that the inadmissibility ground that is based on an alien's having arrived at a place other than a port of entry *does not* apply to CAA applicants. All Service officers adjudicating CAA applications will do so in accordance with this policy. So long as the applicant meets all other CAA eligibility requirements, it is contrary to this policy to find the alien ineligible for CAA adjustment on the basis of the alien's having arrived in the United States at a place other than a designated port of entry.

The Service will incorporate this policy into Service regulations as promptly as possible. The policy is, however, effective immediately. Service officers are not to await the publication of the intended rule before deciding CAA applications in accordance with this policy.

This policy is based on the rationale of the decision in *Matter of Mesa*, 12 I & N Dec. 432 (INS 1967). In *Matter of Mesa*, the Service held that the admissibility requirement of § 1 of the CAA must be construed generously, in order to give full effect to the purpose of the CAA. The decision noted that Congress was fully aware that many, and perhaps most, Cuban nationals were dependent on some forms of public assistance. Yet the purpose of the CAA would have been defeated, if the public charge ground of inadmissibility applied to these applicants. The Service concluded, therefore, that the public charge ground does not apply to CAA applicants. *Id*.

I have concluded that the same reasoning applies to inadmissibility for having arrived at a place other than a designated port of entry. Aliens arriving in this manner have been eligible for CAA adjustment for many years. Congress recently reaffirmed the availability of this adjustment provision, by enacting that the CAA is to continue in force until there is a democratic government in Cuba. Illegal Immigration Reform and Immigrant Responsibility Act of 1966 (IIRIRA), Pub. L. No. 104-208, Division C, § 60 6(a), 110 Stat. 3009-546, 3009-695. Section 212(a)(6)(A)(i) of the INA was designed to complement the new legal doctrine, enacted as part of IIRIRA, under which aliens who come into the United States without inspection are inadmissible, rather than deportable, aliens. *Compare* INA §§ 212(a)(6)(A)(i) and 235(a)(1), 8 U.S.C. §§ 1182(a)(6)(A)(i) and 1225(a)(1) *with* 8 U.S.C. § 1241(a)(1)(B) (1994). Nothing in the legislative history of these changes suggests that Congress also intended to make aliens who arrive in the United States away from ports of entry ineligible for CAA adjustment.

This policy does not relieve the applicant of the obligation to meet all other eligibility requirements. In

particular, CAA adjustment is available only to applicants who have been "inspected and admitted or paroled into the United States." CAA § 1, 8 U.S.C. § 1255, note. The authority to parole an applicant for admission, of course, is set forth in § 212(d)(5) of the INA, 8 U.S.C. § 1182(d)(5), with § 236 of the INA, 8 U.S.C. § 1226, providing additional authority concerning the conditions the Service m ay place on the alien's parole. An alien who is present without inspection, therefore, would not be eligible for CAA adjustment unless the alien first surrendered himself or herself into Service custody and the Service released the alien from custody pending a final determination of his or her admissibility.

Service officers will not deny parole to an alien whose parole would be consistent with Service parole regulations and policy, solely in order to preclude CAA eligibility. Nor does this policy require the parole of any alien whose parole would not be consistent with Service parole regulations and policy, merely because paroling the alien would open the path to CAA adjustment. In the absence of a disqualifying criminal record or other factors that would bar CAA adjustment, however, the on-going difficulty i n actually removing aliens to Cuba and the availability of CAA adjustment should ordinarily weigh heavily in favor of a grant of parole. The Service may properly consider the avoidance of detention costs with respect to an alien whose actual removal is unlikely as a factor in determining, as a matter of discretion, that parole would yield a "significant public benefit." INA § 212(d)(5)(A), 8 U.S.C. § 1182(d)(5)(A). In similar fashion, the Service may properly consider the availability of CAA adjustment a s a factor in determining, as a matter of discretion, that an "urgent humanitarian reason" justifies a grant of parole. *Id.* If the Service paroles the alien, he or she will be eligible to apply for employment authorization. 8 C.F.R. § 274a.12(c)(12).

The Service is also aware that, because of the CAA eligibility requirements, the parole will be for at least one year, so that the alien will be a "qualified alien" for purposes of eligibility for Federal means-tested public benefits. 8 U.S.C. § 1641(b)(4). The alien will also be a "Cuban-Haitian entrant" for purposes of the Refugee Education Assistance Act of 1980, as amended. 8 C.F.R. § 212.5(g). Service officers will not consider these two factors as "adverse factors" in determining whether to grant or deny parole.

Finally, the Office of the General Counsel has advised the Service concerning the relationship between parole under § 212(d)(5) and "release" under § 236. Memorandum from Paul W. Virtue to Executive Associate Commissioners for Policy and Planning and for Field Operations, and to Regional, District and Sector Counsels (August 21, 1998). In a case involving an applicant for admission, the General Counsel concluded that:

. . . release under § 236 of the Act and 8 C.F.R. § 236.1(d)(1) should not be seen as a separate form of relief from custody. Any release of an applicant for admission from custody, without resolution of his or her admissibility, is a parole. (Citations omitted.) In the case of an applicant for admission who is not an "arriving alien," therefore, § 212(d)(5)(A) and § 236 should be seen as complementary, rather than as alternative release mechanisms.

Id. at 3. For this reason, if the Service releases from custody an alien who is an applicant for admission because the alien is present in the United States without having been admitted, the alien has been paroled. This conclusion applies even if the Service officer who authorized the release thought there was a legal distinction between paroling an applicant for admission and releasing an applicant for admission under § 236. When the Service releases from custody an alien who is an applicant for admission because he or she is present without inspection, the Form I-94 should bear that standard annotation that shows that the alien has been paroled under § 212(d)(5)(A). **1**

Appendix 23-4 Footnotes:

FN 1 I t may be the case that the Service has released an alien who is an applicant for admission because he or she is present without inspection, without providing the alien with a parole Form I-94. In this case, the Service will issue a parole Form I-94 upon the alien's asking for one, and satisfying the Service that the alien is the alien who was released. The Service will then update the Service records concerning the alien to reflect the fact that the alien has been paroled.

Appendix 23-5 Basic Sworn Statement for Section 13 Cases.

Editor's Note: The following is a list of suggested basic questions to be asked in a sworn statement taken at a local office in conjunction with a Section 13 case. The interviewing officer must pursue any additional or follow-up questions which are relevant to the individual case .

Q. What is your true and correct name?

A.

Q. Have you ever used any other name?

A.

Q. What is your place and date of birth?

A.

Q. What is your nationality?

A.

Q. What is your present address?

A.

Q. Are any other members of your family applying for adjustment of status under Section 13? (If so, what are their names?)

A.

Q. Do you have immediate relatives (father, mother, children, brother, or sister) who are United States citizens or permanent residents?

A.

Q. When and for what purpose was your last entry into the United States?

A.

Q. What was your official title at the Embassy/Consulate/International Organization?

A.

Q. What duties did you perform?

A.

Q. Were these duties considered diplomatic or semi-diplomatic in nature?

A.

Q. When were you notified to the Department of State as a person entitled to _____ status?

A.

Q. Have you terminated your position with your Embassy/Consulate/International Organization?

A.

Q. Why did your terminate your employment with the Embassy/Consulate/International Organization?

A.

Q. When was the State Department notified of your termination?

A.

Q. What are your plans if you are allowed to remain in the United States and become a permanent resident?

A.

Q. Do you have any special education or training that would qualify you for a labor certification as a priority worker?

A.

Q. Do you have any offers of employment?

A.

Q. How are you able to support yourself?

A.

Q. What are the compelling reasons that prevent your return to the country that accredited you?

A.

Q. How would the adjustment of your status to that of a lawful permanent resident benefit the national interest of the United States?

A.

Q. Would you like to add anything else to this statement?

A.

Appendix 23-6 Reserved.

Appendix 23-7 Class of Admission under the Immigrant Laws, Code

Symbols:

Statistical = Code in the data bases;

Document = Code on documents.

Arrival/Adjust:

N = New arrival;

A = Adjustment (under Sec. 245) to immigrant (legal permanent resident) status.

Classes Currently In Use - Legal Permanent Resident Aliens

Symbol				
Statistical	Document	Arrival/Adjust	Section of Law	Description
A11 A16	A1-1 A1-6	N A	Sec. 203(a)(1) of the I&N Act and 204(g) as added by PL 97-359 (Oct. 22,1982)	Unmarried Amerasian son/ daughter of a country-regionU.S. citizen born in country-regionCambodia, country-regionKorea, country-regionLaos,country-regionThailand, or country-regionplaceVietnam
A12 A17	A1-2 A1-7	N A	Sec. 203(a)(1) of the I&N Act and 204(g) as added by PL 97-359 (Oct. 22,1982) Sec. 203(d) of the I&N	Child of an alien classified as A11 or A16.

A31 A36	A3-1 A3-6	N A	Sec. 203(a)(3) of the I&N Act and 204(g) as added by PL 97-359 (Oct. 22,1982)	Married Amerasian son or daughter of a country-regionU.S. citizen born in country-regionCambodia, country-regionKorea, country-regionLaos, country-regionThailand, or country-regionplaceVietnam.
A32 A37	A3-2 A3-7	N A	Sec. 203(d) of the I&N Act and 204(g) as added by PL 97-359 (Oct. 22, 1982)	Spouse of an alien classified as A31 or A36.
A33 A38	A3-3 A3-8	N A	Sec. 203(d) of the I&N Act and 204(g) as added by PL 97-359 (Oct. 22,1982)	Child of an alien classified as A31 or A36.
AA1 AA6	AA-1 AA-6	N A	Sec. 132 of PL 101-649 (Nov. 29, 1990)	Native of certain adversely affected foreign states (Diversity Transition).
AA2 AA7	AA-2 AA-7	N A	Sec. 132 of PL 101-649 (Nov. 29, 1990)	Spouse of an alien classified AA1 or AA6
AA3 AA8	AA-3 AA-8	N A	Sec. 132 of PL 101-64 (Nov. 29, 1990)	Child of an alien classified as AA1 or AA6.
AM1 AM6	AM-1 AM-6	N A	Sec. 584(b)(1)(A) of PL 100-202 (Dec. 22, 1987)	Amerasian born in country-regionVietnam after Jan. 1, 1962 and before Jan. 1, 1976 who was fathered by a country-regionplaceU.S. citizen.
AM2 AM7	AM-2 AM-7	N A	Sec. 584(b)(1)(B) of PL 100-202 (Dec. 22, 1987)	Spouse or child of an alien classified as AM1 or AM6.

AM3 AM8	AM-3 AM-8	N A	Sec. 584(b)(1)(C) of PL 100-202 (Dec. 22, 1987)	Mother, guardian, or next-of- kin of an alien classified as AM1 or AM6, and spouse or child of the mother, guardian, or next-of-kin.
AR1 AR6	AR-1 AR-6	N A	Sec. 201(b)(2)(A)(i) of the I&N Act and 204(g) as added by PL 97-359 (Oct. 22, 1982)	Amerasian child of a U.S citizen born in country-regionCambodia, country-regionKorea, country-regionLaos, country-regionThailand, or country-regionplaceVietnam (immediate relative child).
AS6	AS-6	A	Sec. 209(b) of the I&N Act as added by PL 96- 212 (Mar. 17, 1980)	Asylee principal.
AS7	AS-7	A	Sec. 209(b) of the I&N Act as added by PL 96-212 (Mar. 17, 1980)	Spouse of an alien classified as AS6.
AS8	AS-8	A	Sec. 209(b) of the I&N Act as added by PL 96-212 (Mar. 17, 1980)	Child of an alien classified as AS6.
B11	B1-1	N	Sec. 40701 of PL 103-322 (Sept. 13, 1994) Crime Control and Law Enforcement Act (Crime Bill) of 1994	Self-petition unmarried son/daughter of country-regionplaceU.S. citizen - Family Sponsored - First Preference
B12	B1-2	N	Sec. 40701 of PL 103-322 (Sept 13, 1994) Crime Control and Law	Child of B11 - Family Sponsored - First Preference

			Enforcement Act (Crime Bill) of 1994.	
B16	B1-6	A	Sec. 40701 of PL 103-322 (Sept 13, 1994) Crime Control and Law Enforcement Act (Crime Bill) of 1994.	Self Petition unmarried son/daughter - of US Citizen - Family Sponsored First Preference
B17	B1-7	A	Sec. 40701 of PL 103-322 (Sept 13, 1994) Crime Control and Law Enforcement Act (Crime Bill) of 1994.	Child of B-16 - Family Sponsored First Preference
B20		A	Sec. 40701 of PL 103-322 (Sept 13, 1994) Crime Control and Law Enforcement Act (Crime Bill) of 1994.	Child of B-29 - Family Sponsored Second Preference
B21	B2-1	N	Sec. 40701 of PL 103-322 (Sept 13, 1994) Crime Control and Law Enforcement Act (Crime Bill) of 1994.	Self Petition spouse of legal permanent resident - Family (Sept 13, 1994) Crime Control and Law Enforcement Act (Crime Bill) of 1994.
B22		N	Sec. 40701 of PL 103-322 (Sept 13, 1994) Crime Control and Law Enforcement Act (Crime Bill) of 1994.	Self Petition child of legal permanent resident - Family sponsored - second preference
B23		N	Sec. 40701 of PL 103-322 (Sept 13, 1994) Crime Control and Law	Child of B21, B22 - Family sponsored - second preference

			Enforcement Act (Crime Bill) of 1994.	
B24		N	Sec. 40701 of PL 103-322 (Sept 13, 1994) Crime Control and Law Enforcement Act (Crime Bill) of 1994.	Self Petition Unmarried Son/daughter of legal permanent resident - Family sponsored second preference
B25		N	Sec. 40701 of PL 103-322 (Sept 13, 1994) Crime Control and Law Enforcement Act (Crime Bill) of 1994.	Child of B24 - Family sponsored - second preference
B26		A	Sec. 40701 of PL 103-322 (Sept 13, 1994) Crime Control and Law Enforcement Act (Crime Bill) of 1994.	Self Petition spouse of legal permanent resident - Family sponsored second preference (adjusted status)
B27		A	Sec. 40701 of PL 103-322 (Sept 13, 1994) Crime Control and Law Enforcement Act (Crime Bill) of 1994.	Self Petition child of legal permanent resident - Family sponsored second preference (adjusted status)
B28		A	Sec. 40701 of PL 103-322 (Sept 13, 1994) Crime Control and Law Enforcement Act (Crime Bill) of 1994.	Child of B26, B27 Family sponsored Act (Crime Bill) of 1994.
B29		A	Sec. 40701 of PL 103-322 (Sept 13, 1994) Crime Control and Law	Self Petition Unmarried Son/daughter of legal permanent resident - Family

			Enforcement Act (Crime Bill) of 1994.	sponsored second preference (adjusted status)
B31		N	Sec. 40701 of PL 103-322 (Sept 13, 1994) Crime Control and Law Enforcement Act (Crime Bill) of 1994.	Self Petition Married Son/daughter of U.S. Citizen - Family sponsored Third preference
B32		N	Sec. 40701 of PL 103-322 (Sept 13, 1994) Crime Control and Law Enforcement Act (Crime Bill) of 1994.	Spouse of B31 - Family sponsored Third preference
B33		N	Sec. 40701 of PL 103-322 (Sept 13, 1994) Crime Control and Law Enforcement Act (Crime Bill) of 1994.	Child of B24 - Family sponsored Third preference
B36		A	Sec. 40701 of PL 103-322 (Sept 13, 1994) Crime Control and Law Enforcement Act (Crime Bill) of 1994.	Self Petition son/daughter of legal permanent resident, family sponsored, third preference, (Adjusted Status)
B37		A	Sec. 40701 of PL 103-322 (Sept 13, 1994) Crime Control and Law Enforcement Act (Crime Bill) of 1994.	Spouse of B36 - Family sponsored Third preference (Adjusted Status)
B38		A	Sec. 40701 of PL 103-322 (Sept 13, 1994) Crime Control and Law	Child of B36 - Family sponsored Third preference (Adjusted Status)

			Enforcement Act (Crime Bill) of 1994.	
BX1		N	Sec. 40701 of PL 103-322 (Sept 13, 1994) Crime Control and Law Enforcement Act (Crime Bill) of 1994.	Self petitition spouse of legal permanent resident - exempt from country limitations - Family Sponsored, second preference
BX2		N	Sec. 40701 of PL 103-322 (Sept 13, 1994) Crime Control and Law Enforcement Act (Crime Bill) of 1994.	Self petitition child of legal permanent resident - exempt from country limitations - Family Sponsored, second preference
BX3		N	Sec. 40701 of PL 103-322 (Sept 13, 1994) Crime Control and Law Enforcement Act (Crime Bill) of 1994.	child of BX1, BX2 exempt from country limitations - Family Sponsored, second preference
BX6		A	Sec. 40701 of PL 103-322 (Sept 13, 1994) Crime Control and Law Enforcement Act (Crime Bill) of 1994.	Self petitition married son/daughter of U.S. Citizen, Family Sponsored second preference exempt from country limitations
BX7		A	Sec. 40701 of PL 103-322 (Sept 13, 1994) Crime Control and Law Enforcement Act (Crime Bill) of 1994.	Self petitition child of legal permanent resident, Family Sponsored second preference exempt from country limitations

BX8		A	Sec. 40701 of PL 103-322 (Sept 13, 1994) Crime Control and Law Enforcement Act (Crime Bill) of 1994.	Child of BX6, BX7 Family Sponsored second preference exempt from country limitations
C21 C26	C2-1 C2-6	N A	Sec. 203(a)(2)(A) of the I&N Act and 216 as added by PL 99-639 (Nov. 10, 1986)	Spouse of a lawful permanent resident alien (subject to country limitations) - **conditional** .
C22 C27	C2-2 C2-7	N A	Sec. 203(a)(2)(A) of the I&N Act and 216 as added by PL 99-639 (Nov. 10, 1986)	Step-child (under 21 years of age) of a lawful permanent country limitations) - **conditional** .
C23C28	C2-3 C2-8	N A	Sec. 203(d) of the I&N Act and 216 as added by PL 99-639 (Nov. 10,1986)	Child of an alien classified as C21, C22, C26, or C27 (subject to country limitations) - **conditional** .
C24 C29	C2-4 C2-9	N A	Sec. 203(a)(2)(B) of the I&N Act and 216 as added by PL 99-639 (Nov. 10, 1986)	Unmarried son or daughter (21 years of age or older) who is step-child of a lawful permanent resident alien (subject to country limitations) - **conditional** .
C25 C20	C2-5 C2-0	N A	Sec. 203(d) of the I&N Act and 216 as added by PL 99-639 (Nov. 10, 1986)	Child of an alien classified as C24 or C29 - **conditional** .
C31 C36	C3-1 C3-6	N A	Sec. 203(a)(3) of the I&N Act and 216 as added by PL99-639 (Nov. 10, 1986)	Married son or daughter who is a step-child of a country-regionplaceU.S. citizen - **conditional** .

C32 C37	C3-2 C3-7	N A	Sec. 203(d) of the I&N Act and 216 as added by PL 99-639 (Nov. 10 , 1986) 99-639 (Nov. 10 , 1986)	Spouse of an alien classified as C31 or C36 - **conditional**
C33 C38	C3-3 C3-8	N A	Sec. 203(d) of the I&N Act and 216 as added by PL 99-639 (Nov. 10, 1986)	Child of an alien classified as C31 or C36 - **conditional** .
C51 C56	C5-1 C5-6	N A	Sec. 203(b)(5)(A) of the I&N Act	Employment creation immigrant (not in targeted area) - **conditional** .
C52 C57	C5-2 C5-7	N A	Sec. 203(d) of the I&N Act	Spouse of an alien classified as C51 or C56 (not in targeted area) - **conditional** .
C53 C58	C5-3 C5-8	N A	Sec. 203(d) of the I&N Act	Child of an alien classified as C51 or C56 (not in targeted area) - **conditional** .
CB1 CB6	CB-1 CB-6	N A	Sec. 112 of PL 101-649 (Nov. 29, 1990) and 216 added by PL 99-639 (Nov. 10, 1986)	Spouse of an alien granted legalization under Sections 210, 245A of the I&N Act, or Sec. 202 of PL 99-603 (Cuban-Haitian entrant) - **conditional** .
CB2 CB7	CB-2 CB-7	N A	Sec. 112 of PL 101-649 (Nov. 29, 1990) and 216 as added by PL 99-639 (Nov. 10, 1986)	Child of alien granted legalization under Sections 210, 245A of the I&N Act, or Sec. 202 of PL 99-603 (Cuban-Haitan entrant) - **conditional.**

CF1	CF-1	A	Sec. 214(d) of the I&N 216 as added by PL 99-639 (Nov. 10, 1986)	Alien whose record of Act and admission is created upon the conclusion of a valid marriage contract after entering as a fiance or fiancee of a country-regionplaceU.S. citizen - **conditional** .
CF2	CF-2	A	Sec. 214(d) of the I&N Act and 216 as added by PL 99-639 (Nov. 10, 1986)	Minor step-child of an alien classified as CF1- **conditional** .
CH6	CH-6	A	Sec. 202 of PL 99-603 (Nov. 6, 1986)	Cuban-Haitian entrant.
CR1 CR6	CR-1 CR-6	N A	Sec. 201(b)(2)(A)(i) of the I&N Act and 216 as added by PL 99-639 (Nov. 10 1986)	Spouse of a country-regionplaceU.S. citizen - **conditional** .
CR2 CR7	CR-2 CR-7	N A	Sec. 201(b)(2)(A)(i) of the I&N Act and 216 as added by PL 99-639 (Nov. 10, 1986)	Step-child of a country-regionplaceU.S. citizen - **conditional** .
CS1				Legalization applicant, Cahtolic Social Services class member, with employment authorization
CS2				Legalization applicant, Cahtolic Social Services class member, with no employment authorization

CS3				Legalization applicant, Cahtolic Social Services class member - sting case
CSS				Alien not eligible for legalization under court case filed by Catholic Social Services
CU6	CU-6	A	Sec. 1 of PL 89-732 (Nov. 2, 1966) as amended by PL 94-571 (Oct. 20, 1976)	Lawful Permanent Resident (Cuban Adjustment Act).
CU7	CU-7	A	Sec. 1 of PL 89-732 (Nov. 2, 1966) as amended by PL 94-571 (Oct. 20, 1976)	Non-Cuban spouse or child of an alien classified as a CU6.
CX1 CX6	CX-1 CX-6	N A	Sec. 203(a)(2)(A) of the I&N Act and 216 as added by PL 99-639 (Nov. 10, 1986)	Spouse of a lawful permanent resident alien (exempt from country limitations) - **conditional** .
CX2 CX7	CX-2 CX-7	N A	Sec. 203(a)(2)(A) of the I&N Act and 216 as added by PL 99-639 (Nov. 10, 1986)	Step-child (under 21 years of age) of a lawful permanent resident alien (exempt from country limitations) - **conditional** .
CX3 CX8	CX-3 CX-8	N A	Sec. 203(d) of the I&N Act and 216 as added by PL 99-639 (Nov. 10, 1986)	Child of an alien classified as CX2 or CX7 (exempt from country limitations) - **conditional** .
DAS			addressStreetVAWA Crime Bill PL 103-322Alien who is self petitioning under court case filed by Cahtolic Social Services	

DEP				Deportation - Alien no longer in legal permanent resident status and has been deported from the country-regionplaceUnited States
DS1	DS-1	A	8 CFR 101.3 as revised (Federal Register, Vol. 47, p. 940: Jan. 8, 1982)	Creation of a record of lawful
				permanent resident status for individuals born under diplomatic status in the country-regionplaceUnited States.
DT1 DT6	DT-1 DT-6	N A	Sec. 134 of PL 101-649 (Nov. 29, 1990)	Natives of country-regionTibet who have continuously resided in country-regionNepal or country-regionplaceIndia (Displaced Tibetan).
DT2 DT7	DT-2 DT-7	N A	Sec. 134 of PL 101-649 (Nov. 29, 1990)	Spouse of an alien classified as DT1 or DT6.
DT3 DT8	DT-3 DT-8	N A	Sec. 134 of PL 101-649 (Nov. 29, 1990)	Child of an alien classified as DT1 or DT6.
DV1 DV6	DV-1 DV-6	N A	Sec. 201 and 203(c) of the I&N Act as amended by PL 101-649 (Nov. 29, 1990)	Diversity immigrant.
DV2 DV7	DV-2 DV-7	N A	Sec. 201 and 203(c) of the I&N Act as amended by PL 101-649 (Nov. 29, 1990)	Spouse of an alien classified as DV1 or DV6.

DV3 DV8	DV-3 DV-8	N A	Sec. 201 and 203(c) of the I&N Act as amended by PL 101-649 (Nov. 29, 1990)	Child of an alien classified as DV1 or DV6.
E11 E16	E1-1 E1-6	N A	Sec. 203(b)(1)(A) of the I&N Act	Priority worker - alien with extraordinary ability.
E12 E17	E1-2 E1-7	N A	Sec. 203(b)(1)(B) of the I&N Act	Priority worker - outstanding professor or researcher.
E13 E18	E1-3 E1-8	N A	Sec. 203(b)(1)(C) of the I&N Act	Priority worker - certain multinational executive or manager.
E14 E19	E1-4 E1-9	N A	Sec. 203(d) of the I&N Act classified as E11, E16, E12, E17, E13, or E18.	Spouse of a priority worker
E15 E10	E1-5 E1-0	N A	Sec. 203(d) of the I&N Act	Child of a priority worker classified as E11, E16, E12, E17, E13, or E18.
E21 E26	E2-1 E2-6	N A	Sec. 203(b)(2) of the I&N Act	Professional holding an advanced degree or of exceptional ability.
E22 E27	E2-2 E2-7	N A	Sec. 203(d) of the I&N Act	Spouse of an alien classified as E21 or E26.
E23 E28	E2-3 E2-8	N A	Sec. 203(d) of the I&N Act	Child of an alien classified as E21 or E26.

E31 E36	E3-1 E3-6	N A	Sec. 203(b)(3)(A)(i) of the I&N Act	Alien who is a skilled worker.
E32 E37	E3-2 E3-7	N A	Sec. 203(b)(3)(A)(ii) of the I&N Act	Professional who holds a baccalaureate degree or who is a member of a profession.
E34 E39	E3-4 E3-9	N A	Sec. 203(d) of the I&N Act	Spouse of a skilled worker or professional classified as E31, E36, E32, or E37.
E35 E30	E3-5 E3-0	N A	Sec. 203(d) of the I&N Act	Child of a skilled worker or professional classified as E31, E36, E32, or E37.
E51 E56	E5-1 E5-6	N A	Sec. 203(b)(5)(A) of the I&N Act	Employment creation immigrant.
E52 E57	E5-2 E5-7	N A	Sec. 203(d) of the I&N Act	Spouse of an alien classified as E51 or E56.
E53 E58	E5-3 E5-8	N A	Sec. 203(d) of the I&N Act	Child of an alien classified as E51 or E56.
EC6	EC-6	A	Sec. 245 as amended by PL 101-649 (Nov. 29, 1990) and PL 102-404 (Oct. 9, 1992)	Alien covered by Chinese Student Protection Act.
EC7	EC-7	A	Sec. 245 as amended by PL 101-649 (Nov. 29, 1990)	Spouse of alien covered by Chinese Student Protection Act.

			and PL 102-404 (Oct. 9, 1992)	
EC8	EC-8	A	Sec. 245 as amended by PL 101-649 (Nov. 29, 1990) and PL 102-404 Oct. 9, 1992)	Child of alien covered by Chinese Student Protection Act.
ERF			Sec. 235(b)(1) of the I&N Act (April 1, 1997)	Expedited removal case has been initiated and a final decision is pending a credible fear determination by an asylum officer or immigration judge.
ERP			Sec. 235(b)(1) of the I&N Act (April 1, 1997)	Expedited removal case has been pending for reasons other than referal for credible fear interview before an an asylum officer
ERR			Sec. 235(b)(1) of the I&N Act (April 1, 1997)	Alien removed from the country-regionplaceUnited States under the Expedited Removal Program
ES1	ES-1	N	Soviet Scientist Immigration Act of 1992 PL 102-509 Sec. 4, Oct 24, 1992	Soviet scientist, principal.
EWI				Entry without Inspection
ES6	ES-6	A	Act as amended by Sec. 4 of PL 102-509 (Oct. 24, 1992)	Soviet scientist, principal.

EW3 EW8	EW-3 EW-8	N A	Sec. 203(b)(3)(A)(iii) of the I&N Act	Other worker performing unskilled labor, not of a temporary or seasonal nature, for which qualified workers are not available in the country-regionplaceUnited States.
EW4 EW9	EW-4 EW-9	N A	Sec. 203(d) of the I&N Act	Spouse of an alien classified as EW3 or EW8.
EW5 EW0	EW-5 EW-0	N A	Sec. 203(d) of the I&N Act	Child of an alien classified as EW3 or EW8.
EXC				Exclusion-formal denial of an alien's entry into the country-regionplaceUnited States by an imigration judge after an exclusion hearing
F11 F16	F1-1 F1-6	N A	Sec. 203(a)(1) of the I&N Act	Unmarried son or daughter of a country-regionplaceU.S. citizen.
F12 F17	F1-2 F1-7	N A	Sec. 203(d) of the I&N Act	Child of an alien classified as F11 or F16.
F21 F26	F2-1 F2-6	N A	Sec. 203(a)(2)(A) of the I&N Act	Spouse of a lawful permanent resident alien (subject to country limitations).
F22 F27	F2-2 F2-7	N A	Sec. 203(a)(2)(A) of the I&N Act	Child (under 21 years of age) of a lawful permanent resident alien (subject to country limitations)

F23 F28	F2-3 F2-8	N A	Sec. 203(d) of the I&N Act	Child of an alien classified as F21 or F26 (subject to country limitations).
F24 F29	F2-4 F2-9	N A	Sec. 203(a)(2)(B) of the I&N Act	Unmarried son or daughter (21 years of age or older) of a lawful permanent resident alien (subject to country limitations).
F25 F20	F2-5 F2-0	N A	Sec. 203(d) of the I&N Act	Child of an alien classified as F24 or F29 (subject to country limitations).
F31 F36	F3-1 F3-6	N A	Sec. 203(a)(3) of the I&N Act	Married son or daughter of a country-regionplaceU.S. citizen.
F32 F32	F3-2 F3-7	N A	Sec. 203(d) of the I&N Act	Spouse of an alien classified as F31 or F36.
F33 F38	F3-3 F3-8	N A	Sec. 203(d) of the I&N Act	Child of an alien classified as F31 or F36.
F41 F46	F4-1 F4-6	N A	Sec. 203(a)(4) of the I&N Act	Brother or sister of a country-regionplaceU.S. citizen.
F42 F47	F4-2 F4-7	N A	Sec. 203(d) of the I&N Act	Spouse of an alien classified as F41 or F46.
F43 F48	F4-3 F4-8	N A	Sec. 203(d) of the I&N Act	Child of an alien classified as F41 or F46.

FFD				Family Fairness Program, status denied
FFG				Family Fairness Program, status granted
FFP				Family Fairness Program, decision pending
FFW				Family Fairness Program, Status granted with employment authorization
FUG				Family Unity Program, Status Granted allowing extended voluntary Departure.
FX1 FX6	FX-1 FX-6	N A	Sec. 203(a)(2)(A) and 202(a)(4)(A) of the I&N Act	Spouse of a lawful permanent resident alien (exempt from country limitations).
FX2 FX7	FX-2 FX-7	N A	Sec. 203(a)(2)(A) and 202(a)(4)(A) of the I&N Act	Child (under 21 years of age) of a lawful permanent resident alien (exempt from country limitations).
FX3 FX8	FX-8 FX-8	N A	Sec. 203(d) and 202(a)(4)(A) of the I&N Act	Child of an alien classified as FX1, FX2, FX7, or FX8 (exempt from country limitations).
GA6		A	Sec. 128 of the Commerce Justice, State,	Iraqi National whose application for asylum was processed in Guam Between September 1, 1996 and April

			Appropriations, PL 105-277	30, 1997 Adjusting to lawful permanent residence in the United States Under the provisions of Section 128 of the Commerce, Justice, State Appropriations, PL 105-277.
GA7		A	Sec. 128 of the Commerce Justice, State, Appropriations, PL 105-277	Spouse of Iraqi National whose application for asylum was processed in Guam Between September 1, 1996 and April 30, 1997 Adjusting to lawful permanent residence in the United States Under Section 128 of the Commerce, Justice, State Appropriations, PL 105-277.
GA8		A	Sec. 128 of the Commerce Justice, State, Appropriations, PL 105-277	Child of Iraqi National whose application for asylum was processed in Guam Between September 1, 1996 and April 30, 1997 Adjusting to lawful permanent residence in the United States Under the provisions of Section 128 of the Commerce, Justice, State Appropriations, PL 105-277.f
HA6		A	Sec. 902 (Title IX of PL 105-277)	A Haitian National who has been granted adjustment of status to that of lawful permanent resident under the provisions of section 902(b)(1)(A) of Public Law 105-277
HA7		A	Sec. 902 (Title IX of PL 105-277)	A Haitian National who has been granted adjustment of status to that of lawful permanent resident under the provisions of section 902(d) of Public Law 105-277 as the spouse of an alien who has been granted permanent residence under the provisions of section 902(b)(1)(A) of Public Law 105-277

HA8		A	Sec. 902 (Title IX of PL 105-277)	A Haitian National who has been granted adjustment of status to that of lawful permanent resident under the provisions of section 902(d) of Public Law 105-277 as the child of an alien who has been granted permanent residence under the provisions of section 902(b)(1)(A) of Public Law 105-277
HA9		A	Sec. 902 (Title IX of PL 105-277)	A Haitian National who has been granted adjustment of status to that of lawful permanent resident under the provisions of section 902(d) of Public Law 105-277 as the unmarried son or unmarried daughter of an alien who has been granted permanent residence under the provisions of section 902(b)(1)(B) of Public Law 105-277.
HB6		A	Sec. 902 (Title IX of PL 105-277)	A Haitian National who has been granted adjustment of status to that of lawful permanent resident under the provisions of section 902(b)(1)(B) of Public Law 105-277.
HB7		A	Sec. 902 (Title IX of PL 105-277)	A Haitian National who has been granted adjustment of status to that of lawful permanent resident under the provisions of section 902(d) of Public Law 105-277 as the spouse of an alien who has been granted permanent residence under the provisions of section 902(b)(1)(B) of Public Law 105-277.

HB8		A	Sec. 902 (Title IX of PL 105-277)	A Haitian National who has been granted adjustment of status to that of lawful permanent resident under the provisions of section 902(d) of Public Law 105-277as the child of an alien who has been granted permanent residence under the provisions of section 902(b)(1)(B) of Public Law 105-277.
HB9		A	Sec. 902 (Title IX of PL 105-277)	A Haitian National who has been granted adjustment of status to that of lawful permanent resident under the provisions of section 902(d) of Public Law 105-277as the unmarried son or unmarried daughter of an alien who has been granted permanent residence under the provisions of section 902(b)(1)(B) of Public Law 105-277.
HC6		A	Sec. 902 (Title IX of PL 105-277)	A Haitian National who has been granted adjustment of status to that of lawful permanent resident under the provisions of section 902(b)(1)(C)(i) of Public Law 105-277
HC7		A	Sec. 902 (Title IX of PL 105-277)	A Haitian National who has been granted adjustment of status to that of lawful permanent resident under the provisions of section 902(d) of Public Law 105-277 as the spouse of an alien who has been granted permanent residence under the provisions of section 902(b)(1)(C)(i) of Public Law 105-277.
HC8		A	Sec. 902 (Title IX of PL 105-277)	A Haitian National who has been granted adjustment of status to that of lawful permanent resident under the

				provisions of section 902(d) of Public Law 105-277 as the child of an alien who has been granted permanent residence under the provisions of section 902(b)(1)(C)(i) of Public Law 105-277.
HC9		A	Sec. 902 (Title IX of PL 105-277)	A Haitian National who has been granted adjustment of status to that of lawful permanent resident under the provisions of section 902(d) of Public Law 105-277as the unmarried son or unmarried daughter of an alien who has been granted permanent residence under the provisions of section 902(b)(1)(C)(i) of Public Law 105-277.
HD6		A	Sec. 902 (Title IX of PL 105-277)	A Haitian National who has been granted adjustment of status to that of lawful permanent resident under the provisions of section 902(b)(1)(C)(ii) of Public Law 105-277.
HD7		A	Sec. 902 (Title IX of PL 105-277)	A Haitian National who has been granted adjustment of status to that of lawful permanent resident under the provisions of section 902(d) of Public Law 105-277 as the spouse of an alien who has been granted permanent residence under the provisions of section 902(b)(1)(C)(ii) of Public Law 105-277.
HD8		A	Sec. 902 (Title IX of PL 105-277)	A Haitian National who has been granted adjustment of status to that of lawful permanent resident under the provisions of section 902(d) of Public Law 105-277 as the child of an alien who has been granted permanent

				residence under the provisions of section 902(b)(1)(C)(ii) of Public Law 105-277.
HD9		A	Sec. 902 (Title IX of PL 105-277)	A Haitian National who has been granted adjustment of status to that of lawful permanent resident under the provisions of section 902(d) of Public Law 105-277 as the umnarried son or unmarried daughter of an alien who has been granted permanent residence under the provisions of section 902(b)(1)(C)(ii) of Public Law 105-277.
HE6		A	Sec. 902 (Title IX of PL 105-277)	A Haitian National who has been granted adjustment of status to that of lawful permanent resident under the provisions of section 902(b)(1)(C)(iii) of Public Law 105-277.
HE7		A	Sec. 902 (Title IX of PL 105-277)	A Haitian National who has been granted adjustment of status to that of lawful permanent resident under the provisions of section 902(d) of Public Law 105-277 as the spouse of an alien who has been granted permanent residence under the provisions of section 902(b)(1)(C)(iii) of Public Law 105-277.
HE8		A	Sec. 902 (Title IX of PL 105-277)	A Haitian National who has been granted adjustment of status to that of lawful permanent resident under the provisions of section 902(d) of Public Law 105-277 as the child of an alien who has been granted permanent residence under the provisions of

				section 902(b)(1)(C)(iii) of Public Law 105-277.
HE9		A	Sec. 902 (Title IX of PL 105-277)	A Haitian National who has been granted adjustment of status to that of lawful permanent resident under the provisions of section 902(d) of Public Law 105-277 as the umnarried son or unmarried daughter of an alien who has been granted permanent residence under the provisions of section 902(b)(1)(C)(iii) of Public Law 105-277.
HK1 HK6	HK-1 HK-6	N A	Sec. 124 of PL 101-649 (Nov. 29, 1990)	Employees of certain U.S.businesses operating in placeHong Kong.
HK2 HK7	HK-2 HK-7	N A	Sec. 124 of PL 101-649 (Nov. 29, 1990)	Spouse of an alien classified as HK1 or HK6.
HK3 HK8	HK-3 HK-8	N A	Sec. 124 of PL 101-649 (Nov. 29, 1990)	Child of an alien classified as HK1 or HK6.
I51		N	Sec. 610 of PL 102-395 (Oct 6, 1992)	Investor pilot program targeted, principal - conditional
I52		N	Sec. 610 of PL 102-395 (Oct 6, 1992)	Investor pilot program targeted, spouse - conditional
I53		N	Sec. 610 of PL 102-395 (Oct 6, 1992)	Investor pilot program targeted, child - conditional

I56		A	Sec. 610 of PL 102-395 (Oct. 6, 1992)	Investor Pilot program targeted, principal - conditional.
I57		A	Sec. 610 of PL 102-395 (Oct. 6, 1992)	Investor Pilot program targeted, spouse - conditional.
I58		A	Sec. 610 of PL 102-395 (Oct. 6, 1992)	Investor Pilot program targeted, child - conditional.
IB1		N	Sec. 40701 of PL 103-322 (Sep 13, 1994) Crime Control and Law Enforcement Act (Crime Bill) of 1994.	Self-petition spouse of country-regionplaceU.S. citizen immediate relative
IB2		N	Sec. 40701 of PL 103-322 (Sep 13, 1994) Crime Control and Law Enforcement Act (Crime Bill) of 1994.	Self-petition child of country-regionplaceU.S. citizen immediate relative
IB3		N	Sec. 40701 of PL 103-322 (Sep 13, 1994) Crime Control and Law Enforcement Act (Crime Bill) of 1994.	child of IB1 - immediate relative
IB6		A	Sec. 40701 of PL 103-322	Self-petition spouse of country-regionplaceU.S. citizen
			(Sep 13, 1994) Crime Control	(Adjusted Status) immediate relative
			and Law Enforcement Act	

			(Crime Bill) of 1994.	
IB7		A	Sec. 40701 of PL 103-322 (Sep 13, 1994) Crime Control and Law Enforcement Act (Crime Bill) of 1994.	Self-petition child of country-regionplaceU.S. citizen (Adjusted Status) immediate relative
IB8		A	Sec. 40701 of PL 103-322 (Sep 13, 1994) Crime Control and Law Enforcement Act (Crime Bill) of 1994.	Child of IB6 (Adjusted Status) immediate relative
IC6	IC-6	A	Sec. 101 of PL 95-145 (Oct. 28, 1977)	Indochinese refugee.
IC7	IC-7	A	Sec. 101 of PL 95-145 (Oct. 28, 1977)	Spouse or child of an Indochinese refugee not qualified as a refugee on his or her own.
IF1	IF-1	A	Sec. 214(d) of the I&N Act as amended by PL 91-225 (Apr. 7, 1970)	Alien whose record of admission is created upon the conclusion of a valid marriage contract after entering as a fiance or fiancee of a country-regionplaceU. S. citizen.
IF2	IF-2	A	Sec. 214(d) of the I&N Act as amended by PL 91-225 (Apr. 7,1970)	Minor child of an alien classified as IF1.
IR1 IR6	IR-1 IR-6	N A	Sec. 201(b)(2)(A)(i) of the I&N Act	Spouse of a country-regionplaceU.S. citizen.

IR2 IR7	IR-2 IR-7	N A	Sec. 201(b)(2)(A)(i) of the I&N Act	Child of a country-regionplaceU.S. citizen.
IR3 IR8	IR-3 IR-8	N A	Sec. 201(b)(2)(A)(i) of the I&N Act	Orphan adopted abroad by a country-regionplaceU.S. citizen.
IR4 IR9	IR-4 IR-9	N A	Sec. 201(b)(2)(A)(i) of the I&N Act	Orphan to be adopted by a country-regionplaceU.S. citizen.
IR5 IR0	IR-5 IR-0	N A	Sec. 201(b)(2)(A)(i) of the I&N Act	Parent of a country-regionplaceU.S. citizen.
IW1 IW6	IW-1 IW-6	N A	Sec. 201(b)(2)(A)(i) of the Act	Widow or widower of a country-regionplaceU.S. citizen.
IW2 IW7		N A	Sec. 201(b)(2)(A)(i)of the INA as amended by PL 103-416 (Oct. 7, 1994)	Child of an alien classified as IW1 or IW6.
LA6	LA-6	A	Sec. 599(E) of PL 101-167 (Nov. 22, 1989)	Certain parolees from the Soviet Union, country-regionCambodia, country-regionLaos, or country-regionplaceVietnam who were denied refugee status and paroled between Aug. 15, 1988 and Sep. 30, 1996.
LB1 LB6	LB-1 LB-6	N A	Sec. 112 of PL 101-649 (Nov. 29, 1990)	Spouse of an alien granted legalization under Sections 210, 245A of the I&N Act, or Sec.202 of PL 99-603 (Cuban-Haitian entrant).

LB2 LB7	LB-2 LB-7	N A	Sec. 112 of PL 101-649 (Nov. 29, 1990)	Child of an alien granted legalization under Sections 210, 245A of the I&N Act, or Sec. 202 of PL 99-603 (Cuban-Haitian entrant).
M83	M8-3	A	Fair Share Refugee Act, PL 86-648 (Jul. 14, 1960)	Refugee-escapee previously admitted for lawful permanent resident status.
M93	M9-3	A	Hungarian Refugepermanent resident alien -Northern Marianas Islands.e Act, PL 85-559 (Jul. 25, 1958)	Hungarian parolee previously admitte d for lawful permanent resident status.
MR0	MR-0	A	Sec. 201(b)(2)(A)(i) of the I&N Act and PL 94-241(Mar. 24, 1976)	Parent of a country-regionplaceU.S. citizen presumed to be a lawful
MR6	MR-6	A	Sec. 201(b)(2)(A)(i) of the I&N Act and PL 94-241(Mar. 24, 1976) permanent resident alien	Spouse of a country-regionplaceU.S. citizen presumed to be lawful permanent resident alien - Northern Marianas Islands.
MR7	MR-7	A	Sec. 201(b)(2)(A)(i) of the	Child of a country-regionplaceU.S. citizenpresumed to be a lawful
			I&N Act and PL 94-241	
			(Mar. 24, 1976)	
NA3	NA-3	N	8 CFR, Sec. 211.1 and OI, Sec. 211	Child born during the temporary visit abroad of a mother who is a lawful

				permanent resident alien or national of the country-regionplaceUnited States.
N51		N		Employment creation-principal denied LPR status
N52		A		Employment creation-spouse denied LPR status
N56		N		Employment creation-principal denied LPR status
N57		N		Employment creation-spouse denied LPR status
N58		A		Employment creation-child denied LPR status
NC6	NC-6A		Sec. 202 of PL 105-100	Nicaraguan or Cuban national granted adjustment of status to lawful permanent reidence (LPR).
NC7	NC-7A		Sec. 202 of PL 105-100	Nicaraguan or Cuban national granted adjustment of status to LPR as spouse of alien granted permanent residence.
C8	NC-8A		Sec. 202 of PL 105-100	Nicaraguan or Cuban national granted adjustment of status to LPR as child of alien granted permanent residence.

C9	NC-9A		Sec. 202 of PL 105-100	Nicaraguan or Cuban national granted adjustment of status to LPR as unmarried son or daughter of alien granted permanent residence.
NP8	NP-8	A	Sec. 19 of PL 97-116 (Dec. 29, 1981)	Alien who filed and was qualified with investor status prior to June 1, 1978.
NP9	NP-9	A	Sec. 19 of PL 97-116 (Dec. 29, 1981)	Spouse or child of an alien classified as NP8.
PH6		A	Sec. 646 of IIRAIRA 1996	Polish or Hungarian nationals who were paroled to the country-regionplaceU.S. between Nov 1, 1989 and Dec 1, 1991, and who are eligible to the benefits of IIRAIRA
R51	R5-1	N	Sec. 610 of PL 102-395 (Oct 6, 1992)	Investor Pilot Program not targeted, principal - conditional
R52		N	Sec. 610 of PL 102-395 (Oct 6, 1992)	Investor Pilot Program not targeted, spouse - conditional
R53		N	Sec. 610 of PL 102-395 (Oct 6, 1992)	Investor Pilot Program not targeted, child - conditional
R56	R5-6	A	Sec. 610 of PL 102-395. (Oct 6, 1992)	Investor Pilot Program not targeted, principal - conditional.

R57	R5-7	A	Sec. 610 of PL 102-395 (Oct 6, 1992)	Investor Pilot Program not targeted, spouse - conditional
R58	R5-8	A	Sec. 610 of PL 102-395 (Oct 6, 1992)	Investor Pilot Program not targeted, child - conditional
R86	R8-6	A	Sec. 5 of PL 95-412 (Oct. 5, 1978)	Refugee paroled into the country-regionplaceUnited States prior to Apr. 1, 1980.
RE5		N		Haitian with granted refugees status admitted into the country-regionplaceUnited States
RE6	RE-6	A	Sec. 209(a) of the I&N Act as added by PL 96-212 (Mar. 17, 1980)	Refugee who entered the country-regionplaceUnited States on or after Apr 1, 1980
RE7	RE-7	A	Sec. 209(a) of the I&N Act as added by PL 96-212 (Mar. 17, 1980)	Spouse of an alien classified as RE6 (spouse entered the States on or after Apr.1, 1980).
RE8	RE-8	A	Sec. 209(a) of the I&N Act as added by PL 96-212 (Mar. 17, 1980)	Child of an alien classified as (child entered the country-regionplaceUnited States on or after Apr. 1, 1980).
RE9	RE-9	A	Sec. 209(a) of the INA as added by PL 96-212 (Mar. 17, 1980)	Other members of the case deriving refugee status from the princpal (RE1) adjusted to legal permanent residence status.

RN6	RN-6	A	Sec. 2 of PL 101-238 (Dec. 18,1989)	Certain former H1nonimmigrant registered nurses.
RN7	RN-7	A	Sec. 2 of PL 101-238 (Dec. 18, 1989)	Accompanying spouse or child of an alien classified as RN6.
S13	S1-3	N	Sec. 289 of the I&N Act	American Indian born in country-regionplaceCanada (nonquota).
S16	S1-6	A	Sec. 210(2)(A) of the I&N Act as added by PL 99-603 (Nov. 6, 1986)	Seasonal Agricultural Worker (SAW) who worked at least 90 days during each year ending on May 1, 1984, 1985, and 1986 - Group 1.
S26	S2-6	A	Sec. 210(2)(B) of the I&N Act as added by PL 99-603 (Nov. 6, 1986)	Seasonal Agricultural Worker (SAW) who worked at least 90 days during the year ending May 1, 1986 - Group 2. on
SC1 SC6	SC-1 SC-6	N A	Sec. 101(a)(27)(B) and 324(a) of the I&N Act	Person who lost country-regionplaceU.S. citizenship through marriage.
SC2 SC7	SC-2 SC-7	N A	Sec. 101(a)(27)(B) and 327 of the I&N Act	Person who lost country-regionplaceU.S. citizenship by serving in foreign armed forces.
SD1 SD6	SD-1 SD-6	N A	Sec. 101(a)(27)(C)(ii)(I) of the I&N Act	Minister of religion.

SD2 SD7	SD-2 SD-7	N A	Sec. 101(a)(27)(C) of the	Spouse of an alien classified as SD1 or SD6.
SD3 SD8	SD-3 SD-8	N A	Sec. 101(a)(27)(C) of the I&N Act	Child of an alien classified as SD1 or SD6.
SE1 SE6	SE-1 SE-6	N A	Sec. 101(a)(27)(D) of the I&N Act	Certain employees or former employees of the country-regionplaceU.S. government abroad.
SE2 SE7	SE-2 SE-7	N A	Sec. 101(a)(27)(D) of the I&N Act	Accompanying spouse of an alien classified as SE1 or SE6.
SE3 SE8	SE-3 SE-8	N A	Sec. 101(a)(27)(D) of the I&N Act	Accompanying child of an alien classified as SE1 or SE6.
SEH SEK	SE-HN SE-K	A	Sec. 152 of PL 101-649 (Nov. 29, 1990)	Employee of U.S. Mission in placeHong Kong (limit of 500 and these persons are admitted exempt from the country limitation)
				.
SF1 SF6	SF-1 SF-6	N A	Sec. 101(a)(27)(E) of the I&N Act as added by PL 96-70 (Sep. 27, 1979)	Certain former employees of the Panama Canal Company or Canal Zone Government. (See SF1 in section X-IMM.)
SF2 SF7	SF-2 SF-7	N A	Sec. 101(a)(27)(E) of the I&N Act as added by PL 96-70 (Sep. 27, 1979)	Accompanying spouse or child of an alien classified as SF1 or SF6.

SG1 SG6	SG-1 SG-6	N A	Sec. 101(a)(27)(F) of the I&N Act as added by PL 96-70 (Sep. 27, 1979)	Certain former employees of the U.S. Government in the placePanama Canal Zone.
SG2 SG7	SG-2 SG-7	N A	Sec. 101(a)(27)(F) of the I&N Act as added by PL 96-70 (Sep. 27, 1979)	Accompanying spouse or child of an alien classified as SG1 or SG6.
SH1 SH6	SH-1 SH-6	N A	Sec. 101(a)(27)(G) of the I&N Act as added by PL 96-70 (Sep. 27, 1979)	Certain former employees of the Panama Canal Company or Canal Zone Government employed on Apr. 1, 1979.
SH2 SH7	SH-2 SH-7	N A	Sec. 101(a)(27)(G) of the I&N Act as added by PL 96-70 (Sep. 27, 1979)	Accompanying spouse or child of an alien classified as SH1 or SH6.
SJ2	SJ-2	N	Sec. 101(a)(27)(H) of the	Spouse or child of an alien classified as SJ6.on Jan. 9, 1978.
SJ7	SJ-7	A	I&N Act as added by Sec. 5(d)(1) of PL 97-116 (Dec. 29, 1981)	
SJ6	SJ-6	A	Sec. 101(a)(27)(H) of the I&N Act as added by Sec. 5(d)(1) of PL 97-116 (Dec. 29, 1981)	Foreign medical school graduate who was licensed to practice in the country-regionplaceUnited States
SK1 SK6	SK-1 SK-6	N A	Sec. 101(a)(27)(I)(iii) of the I&N Act as added by PL 99-603 (Nov. 6, 1986)	Certain retired international organization employees.

SK2 SK7	SK-2 SK-7	N A	Sec. 101(a)(27)(I)(iv) of the I&N Act as added by PL 99-603 (Nov. 6, 1986)	Accompanying spouse of an alien classified as SK1 or SK6.
SK3 SK8	SK-3 SK-8	N A	Sec. 101(a)(27)(I)(i) of the I&N Act as added by PL 99-603 (Nov. 6, 1986)	Certain unmarried sons or daughters of international organization employees.
SK4 SK9	SK-4 SK-9	N A	Sec. 101(a)(27)(I)(ii) of the I&N Act as added by PL 99-603 (Nov. 6, 1986)	Certain surviving spouses of deceased international organization employees.
SL1 SL6	SL-1 SL-6	N A	Sec. 101(a)(27)(J) of the I&N Act as added by PL 101-649 (Nov. 29, 1990)	Juvenile court dependent.
SM1 SM6	SM-1 SM-6	N A	Sec. 101(a)(27)(K) of the I&N Act as added by Sec.1 of PL 102-110 (Oct. 1, 1999)	Alien recruited outside the country-regionplaceUnited States who has served, or is enlisted to serve, in the U.S. Armed Forces for 12 years (became eligible after Oct. 1, 1991).
SM2 SM7	SM-2 SM-7	N A	Sec. 101(a)(27)(K) of the I&N Act as added by Sec. 1 of PL 102-110 (Oct. 1, 1991)	Spouse of an alien classified as SM1 or SM6.
SM3 SM8	SM-3 SM-8	N A	Sec. 101(a)(27)(K) of the I&N Act as added by Sec.1 of PL 102-110 (Oct. 1, 1991)	Child of an alien classified as SM1 or SM6.

SM4 SM9	SM-4 SM-9	N A	Sec. 101(a)(27)(K) of the I&N Act as added by Sec. 1 of PL 102-110 (Oct. 1, 1991)	Alien recruited outside the country-regionplaceUnited States who has served, or is enlisted to serve, in the U.S. Armed Forces for 12 years (eligible as of Oct. 1,1991)
SM5 SM0	SM-5 SM-0	N A	Sec. 101(a)(27)(K) of the I&N Act as added by Sec. 1 of PL 102-110 (Oct. 1, 1991)	Spouse or child of an alien classified as SM4 or SM9.
SN1		N	Sec 101(a)(27)(L) of the INA as added by section 421 of Pl 105-277	Certain retired NATO-6 civilian employees. The NATO-6 classification identifies members of a civilian component accompanying a force entering in accordance with the provisions of the NATO Status of Force Agreement; members of a civilian component attached to or employed by an Allied Headquarters Set Up Pursuant to the North Atlantic Treaty; and their dependants
SN2		N	Sec 101(a)(27)(L) of the INA as added by section 421 of Pl 105-277	Accompanying spouse of an immigrant classified as SN1 or SN 6
SN3		N	Sec 101(a)(27)(L) of the INA as added by section 421 of Pl 105-277	Certain unmarried sons or daughters of NATO-6 civilian employees
SN4		N	Sec 101(a)(27)(L) of the INA as added by section 421 of Pl 105-277	Certain surviving spouses of deceased NATO-6 civilian employees

SN6		A	Sec 101(a)(27)(L) of the INA as added by section 421 of Pl 105-277	Certain retired NATO-6 civilian employees
SN7		A	Sec 101(a)(27)(L) of the INA as added by section 421 of Pl 105-277	Accompanying spouse of an immigrant classified as SN1 or SN 6
SN8		A	Sec. 101(a)(27)(L) of the INA as added by section 421 of PL 105-277	Certain unmarried sons or daughters of NATO-6 civilian employees
SN9		A	Sec. 101 (a)(27) (L) of the INA as added by section 421 of PL 105-277	Certain surviving spouses of deceased NATO-6 civilians employees.
SR1 SR6	SR-1 SR-6	N A	Sec. 101(a)(27)(C)(ii)(II) and (III) of the I&N Act as added by PL 101-649 (Nov. 29, 1990)	Religious worker.
SR2 SR7	SR-2 SR-7	N A	Sec. 101(a)(27)(C) of the I&N Act as added by PL 101-649 (Nov. 29, 1990)	Spouse of an alien classified as SR1 or SR6
SR3 SR8	SR-3 SR-8	N A	Sec. 101(a)(27)(C) of the I&N Act as added by PL 101-649 (Nov. 29, 1990)	Child of an alien classified as SR1 or SR6.
T51 T56	T5-1 T5-6	N A	Sec. 203(b)(5)(B) of the I&N Act	Employment creation immigrant (targeted area) - **conditional** .

T52 T57	T5-2 T5-7	N A	Sec. 203(d) of the I&N Act	Spouse of an alien classified as T51 or T56 (targeted area) - **conditional** .
T53 T58	T5-3 T5-8	N A	Sec. 203(d) of the I&N Act	Child of an alien classified as T51 or T56 (targeted area) - **conditional** .
W16	W1-6	A	Sec. 245A(b) of the I&N Act as added by PL 99-603 (Nov. 6, 1986)	Alien previously granted temporary resident status (legalization) who illegally entered the country-regionplaceUnited States without inspection prior to Jan.1, 1982.
W26	W2-6	A	Sec. 245A(b) of the I&N Act as added by PL 99-603 (Nov. 6, 1986)	Alien previously granted temporary resident status (legalization) who entered the country-regionplaceUnited States as a non-immigrant and overstayed visa prior to Jan. 1, 1982.
W36	W3-6	A	voluntary departure (EVD).Sec. 245A(b) of the I&N act as added by PL 99-603 (Nov. 6, 1986) and Sec. 902 of PL 100-202 (Dec. 22, 1987)	Alien previously granted temporary resident status (legalization) from a country granted blanket extended
XB3	XB-3	A	8 CFR, Sec. 101.1 and OI, Sec. 101.1	Alien who is presumed to have been lawfully admitted for permanent residence.
XE3	XE-3	N	Sec. 211(a)(1) of the I&N Act as amended	Child born subsequent to the issuance of a visa. Parent is employment-based preference immigrant.

XF3	XF-3	N	Sec. 211(a)(1) of the I&N Act as amended	Child born subsequent to the issuance of a visa. Parent is a family-based preference immigrant.
XN3	XN-3	N	Sec. 211(a)(1) of the I&N Act as amended	Child born subsequent to the issuance of a visa. Parent is not a family-based preference, employment-based preference, or immediate relative immigrant.
XR3	XR-3	N	Sec. 211(a)(1) of the I&N Act as amended	Child born subsequent to the issuance of a visa. Parent is an immediate relative immigrant.
Y64	Y6-4	A	Sec. 6 of PL 83-67 (Aug 7, 1953).	Refugee in the country-regionplaceUnited States prior to July 1, 1953. resident status was created.Must have entered after June30, 1924 and prior to June 28, 1940.
Z03	Z0-3	A	Sec. 249 of the I&N Act as amended by PL 89-236 (Oct. 3, 1965)	Person in whose case record of admission for permanent
Z11		A	Sec. 244(a)(5) of the I&A Act as amended by PL 89-236 (Oct. 3, 1965).	Cancellation of removal. Alien granted suspension of deportation (other than crewman and adjustment as preference or non-preference immigrant).
Z13		A	Sec. 244 of the I&N Act as amended by PL 89-236 (Oct. 3, 1965)	Cancellatiol of removal. Supsention of deportation, other crewman, and adjusted as an immediate relative of a country-regionplaceU.S. citizen or a special immigrant.

Z14		A	VAWA Crime Bill, PL 103-322	Cancellation of removal. Alien granted suspension or cancellation of removal pursuant to the Violence Against Woman Act (VAWA) provisions
Z15		N	Sec 203 of PL 105-100, Nicaraguan Adjustment and Central American Relief Act (NACARA).	Cancellation of removal. Alien granted suspension or special rule cancellation of removal under provision of section 203 of PL 105-100 (NACARA). Alien under this classification will be authorized to accept employement in the country-regionplaceUnited States.
Z33	Z3-3	A	Sec. 249 of the I&N Act as amended by PL 89-236 (Oct. 3, 1965)	Person in whose case record of admission for permanent resident status was created. Must have entered prior to July 1, 1924.
Z43	Z4-3	A	Private Bill	Private law, immediate relative of a country-regionplaceU.S. citizen or special immigrant.
Z56		A	Sec. 244 of the I&N Act.	Cancellation of removal.Alien, granted suspension of deportation who entered as a crewman on or before June 30, 1964.
Z57		A	Sec. 244 of the I&A Act	Cancellation of removal. Alien
				granted suspension of deportation who entered as crewman on or before June 30, 1964 and adjusted as preference or non-preference immigrant

Z66	Z6-6	A	Sec. 249 of the I&N Act as amended by PL 89-236 (Oct. 3, 1965) and PL 99-603 (Nov. 6, 1986)	Person in whose case record of admission for permanent resident status was created. Must have entered on or after June 28, 1940 and prior to Jan. 1, 1972.
Z83	Z8-3	A	Sec. 13 of PL 85-316 (Sep. 11, 1957)	Foreign government official, immediate relative of a country-regionplaceU.S. citizen or special immigrant.

2. Classes Currently In Use - Nonimmigrants

Symbol			
Statistical	Document	Section of Law	Description
A1	A-1	Sec. 101(a)(15)(A)(i) of the I&N Act	Ambassador, public minister, career diplomatic or consular officer and members of immediate family.
A2	A-2	Sec. 101(a)(15)(A)(ii) of the I&N Act	Other foreign government official or employee and members of immediate family.
A3	A-3	Sec. 101(a)(15)(A)(iii) of the I&N Act	Attendant, servant, or personal employee of A1 or A2 and members of immediate family.
B1	B-1	Sec. 101(a)(15)(B) of the I&N Act	Temporary visitor for business (including Peace Corps).

B2	B-2	Sec. 101(a)(15)(B) of the I&N Act	Temporary visitor for pleasure.
BCD			Border crossing card denied
BE	BE	Sec. 212(d)(4) of the I&N Act as added by the Bering Strait Agreement (Sept. 23, 1989)	Visa-free travel for Soviet citizen to designated areas of StateAlaska, restricted to permanent inhabitants of specified areas of placeSiberia.
C1	C-1	Sec. 101(a)(15)(C) of the I&N Act	Alien in continuous and immediate transit through the placecountry-regionUnited States
C2	C-2	Sec. 101(a)(15)(C) of the I&N Act	Alien in Transit to United Nations Headquarters District under Sec. 11(3), (4), or (5) of the Headquarters Agreement with the United Nations.
C3	C-3	Sec. 212(d)(8) of the I&N Act	Foreign government official, members of immediate family, attendant, servant, or personal employee, in transit.
C4	TWOV	Sec. 238(d) of the I&N Act	Transit without visa.
CC	CC	Sec. 212(d)(5) of the I&N Act	Mass migration, Cuban parolees.
CH	CH	Sec. 212(d)(5) of the I&N Act as interpreted by 8CFR, Sec.212.5	HQRAP - humanitarian parolee.

CP	CP	Sec. 212(d)(5) of the I&N Act as interpreted by 8CFR, Sec. 212.5	HQRAP - public interest parolee.
D1	D-1	Sec. 101(a)(15) (D)(i) and Sec. 252 (a)(1) of the I&N Act	Alien crewman on a vessel or aircraft temporarily in the placecountry-regionUnited States, departing on same vessel or airline of arrival.
D2	D-2	Sec. 101(a)(15) (D)(ii) and Sec. 252 (a)(2) of the I&N Act	Alien crewman departing on vessel other than one of arrival.
DE	DA	Sec. 212(d)(5) of the I&N Act	Advance parole granted by District Office.
DE	DEFER	Sec. 212(d)(5) of the I&N Act as interpreted by 8CFR, Sec. 235.3(c)	Deferred inspection.
DT	DT	Sec. 212(d)(5) of the I&N Act	Parole granted at port of entry or District Office.
E1	E-1	Sec. 101(a)(15)(E)(i) of the I&N Act	Treaty trader, spouse and children.
E2	E-2	Sec. 101(a)(15)(E)(ii) of the I&N Act	Treaty investor, spouse and children.
EF	EF	Sec. 235(b)(1) of the I & N Act (Apr.1, 1997)	Expedited removal case has been initiated and a final decision is pending a credible fear determination by an asylum officer or immigration judge.

EP	EP	Sec. 235(b)(1)of the I & N Act (Apr.1, 1997)	Expedited removal case has been initiated and a final decision is pending for reasons other than referal for credible fear interview before an asylum officer.
ER	ER		Alien removed from the placecountry-regionUnited States under the Expedited Removal program.
F1	F-1	Sec. 101(a)(15)(F)(i) of the I&N Act	Student - academic institution.
F2	F-2	Sec. 101(a)(15)(F)(ii) of the I&N Act	Spouse or child of academic student.
G1	G-1	Sec. 101(a)(15)(G)(i) of the I&N Act	Principal resident representative of recognized foreign member government to international organization, staff, and members of immediate family.
G2	G-2	Sec. 101(a)(15)(G)(ii) of the I&N Act	Other representative of recognized foreign member government to international organization, and members of immediate family.
G3	G-3	Sec. 101(a)(15)(G)(iii) of the I&N Act	Representative of nonrecognized or nonmember foreign government to international organization, and members of immediate family.

G4	G-4	Sec. 101(a)(15)(G)(iv) of the I&N Act	Officer or employee of such international organizations, and members of immediate family.
G5	G-5	Sec. 101(a)(15)(G)(v) of the I&N Act	Attendant, servant, or personal employee of G1, G2, G3, or G4, and members of immediate family.
GB	GB	Sec. 217 of the I&N Act as added by PL 99-603, Sec. 313 (Nov. 6, 1986); revised by PL 101-649, Sec. 201 (Nov. 29, 1990)	Temporary visitor for business admitted without visa to placeGuam under the Guam Visa Waiver Pilot Program.
GR	GR	Sec. 217 of the I&N Act as added by PL 99-603, Sec. 313 (Nov. 6, 1986); revised by PL 101-649, Sec. 201 (Nov. 29, 1990)	Visa Waiver Refusal (placeGuam).
GT	GT	Sec. 217 of the I&N Act as added by PL 99-603, Sec. 313 (Nov. 6, 1986); revised by PL 101-649, Sec. 201 (Nov. 29, 1990)	Temporary visitor for pleasure admitted without visa to placeGuam under the Guam Visa Waiver Pilot Program.
H1	H-1B	Sec. 101(a)(15)(H)(i)(b) of the I&N Act as added by PL 101-238, Sec. 3(a) (Dec. 18, 1989); revised by PL 101-649, Sec. 205(c) (Nov. 29, 1990)	Temporary worker (other than registered nurse) with "specialty occupation" admitted on the basis of professional education, skills, and/or equivalent experience.
H2	H-2B	Sec. 101(a)(15)(H)(ii)(b) of the I&N Act as added by PL 99-603, Sec. 301(a)(b) (Nov. 6,	Temporary worker performing services or labor unavailable in the placecountry-regionUnited

		1986); revised by PL 101-649, Sec. 205 (Nov. 29, 1990)	States (including Spanish sheepherder, excluding agricultural worker).
H3	H-3	Sec. 101(a)(15)(H)(iii) of the I&N Act	Temporary trainee.
H4	H-4	Sec. 101(a)(15)(H) of the I&N Act	Spouse or child of S8 (H-1A), H1, S9 (H-2A), H2, or H3.
I1	I	Sec. 101(a)(15)(I) of the I&N Act	Representative of foreign information media, spouse and children.
J1	J-1	Sec. 101(a)(15)(J) of the I&N Act	Exchange visitor
J2	J-2	Sec. 101(a)(15)(J) of the I&N Act	Spouse or child of J1.
K1	K-1	Sec. 101(a)(15)(K) of the I&N Act	Fiance or fiancee of a placecountry-regionU.S. citizen entering solely to conclude a valid marriage contact.
K2	K-2	Sec. 101(a)(15)(K) of the I&N Act	Child of K1.
L1	L-1	Sec. 101(a)(15)(L) of the I&N Act	Intracompany transferee (executive, managerial, and specialized personnel entering to continue employer or a subsidiary or affiliate thereof).

L2	L-2	Sec. 101(a)(15)(L) of the I&N Act	Spouse or child of L1.
M1	M-1	Sec. 101(a)(15)(M)(i) of the I&N Act as added by PL 97-116, Sec. 2(a)(2) (Dec. 29, 1981)	Student pursuing a full course of study at an established vocational or other recognized nonacademic institution (other than in a language training program).
M2	M-2	Sec. 101(a)(15)(M)(ii) of the I&N Act as added by PL 97-116, Sec. 2(a)(2) (Dec. 29, 1981)	Spouse or child of M1.
N1	NATO-1	Art.12, 5 UST 1094; Art. 20, 5 UST 1098	Principal permanent representative of Member State to NATO (including any of its subsidiary bodies) resident in the United States and resident members of permanent representative's official staff; Secretary General, Deputy Secretary General, Assistant Secretaries General and Executive Secretary of NATO; other permanent NATO officials of similar rank; and members of immediate family.
N2	NATO-2	Art. 13, 5 UST 1094; Art. 1, 4 UST 1794; Art. 3, 4 UST 1796	Other representatives of Member States to NATO (including any of its subsidiary bodies) including representatives, advisors and technical experts of delegations, and members of the immediate family; dependents of member of a force entering in accordance with the provisions on the NATO Status-of- Forces Agreement or in accordance with the provisions of the Protocol on the Status of International Military Headquarters; members of such a force if issued visas.
N3	NATO-3	Art. 14, 5 UST 1096	Official clerical staff accompanying a representative of placePlaceNameMember PlaceTypeState to NATO (including any of its

			subsidary bodies) and members of immediate family.
N4	NATO-4	Art. 18, 5 UST 1098	Officials of NATO (other than those classifiable under NATO-1) and members of immediate family.
N5	NATO-5	Art. 21, 5 UST 1100	Experts, other than NATO officials classifiable under the symbol NATO-4, employed on missions on behalf of NATO and their dependents.
N6	NATO-6	Art. 1, 4 UST 1794; Art. 3, 5 UST 877	Members of a civilian component Accompanying a force entering in Accordance with the provisions of the NATO Status-of-Force Agreement; members of a civilian component attached to or employed by an Allied Headquarters under the Protocol on the Status of International Military Headquarters Set Up Pursuant to the North Atlantic Treaty; and their Dependents.
N7	NATO-7	Arts. 12-20,5 UST 1094-1098	Attendant servant, or personal employee of NATO-1, NATO-2, NATO-3, NATO-4, NATO-5, and NATO-6 classes, and members immediate family.
N8	N-8	Sec. 101(a)(15)(N)(i) of the I&N Act as added by PL 99-603, Sec. 312(b) (Nov. 6, 1986)	Parent of SK-3 international organization special immigrant.
N9	N-9	Sec. 101(a)(15)(N)(ii) of the I&N Act as added by PL 99-	Child of N8 or of SK-1, SK-2, or SK-4 international organization special immigrant.

		603, Sec. 312(b) (Nov. 6, 1986)	
O1	O-1	Sec. 101(a)(15)(O)(i) of the I&N Act as added by PL 101-649, Sec. 207 (Nov. 29, 1990)	Temporary worker with extraordinary ability/achievement in the sciences, arts, education, business, or athletics. (See O1 in: Classes currently not in use - Immigrants.)
O2	O-2	Sec. 101(a)(15)(O)(ii) of the I&N Act as added by PL 101-649, Sec. 207 (Nov. 29, 1990)	Temporary worker accompanying or assisting O1. (See O2 in: Classes currently not in use - Immigrants.)
O3	O-3	Sec. 101(a)(15)(O)(iii) of the I&N Act as added by PL 101-649, Sec. 207 (Nov. 29, 1990)	Spouse or child of O1 or O2.
OP	OP	Sec. 212(d)(5) of the I&N Act	Overseas parolee - PIP (e.g., extension of refugee programs such as for Soviets).
P1	P-1	Sec. 101(a)(15)(P)(i) of the I&N Act as added by PL 101-649, Sec. 207 (Nov. 29, 1990)	Temporary Worker, internationally recognized athlete or entertainer for a specific competition or performance. (See P1 in: Classes currently not in use - Immigrants)
P2	P-2	Sec. 101(a)(15)(P)(ii) of the I&N Act as added by PL 101-649, Sec. 207 (Nov. 29, 1990)	Temporary worker, artist or entertainer under a reciprocal exchange program with a similar organization of a foreign state. (See P2 in: Classes currently not in use - Immigrants.)

P3	P-3	Sec. 101(a)(15)(P)(iii) of the I&N Act as added by PL 101-649, Sec. 207 (Nov. 29, 1990)	Temporary worker, artist or entertainer under a program that is "culturally unique". (See P3 in: Classes currently not in use -Immigrants.)
P4	P-4	Sec. 101(a)(15)(P)(iv) of the I&N Act as added by PL 101-649, Sec. 207 (Nov. 29, 1990)	Spouse or child of P1, P2, or P3.
Q1	Q-1	Sec. 101(a)(15)(Q) of the I&N Act as added by PL 101-649, Sec. 208 (Nov. 29, 1990)	Temporary worker in an international Cultural exchange program. (See Q1 in: Classes currently not in use - Immigrants.)
R1	R-1	Sec. 101(a)(15)(R) of the I&N Act as added by PL 101-649, Sec. 209 (Nov. 29, 1990)	Temporary worker to perform work in religious occupations (prior to FY92, R1 was classified as parolee). (See R1 in: Classes currently not in use - Non-immigrants.)
R2	R-2	Sec. 101(a)(15)(R) of the I&N Act as added by PL 101-649, Sec. 209 (Nov. 29, 1990)	Spouse and children of R1 (prior to FY92, R2 was classified as deferred inspection). (See R2 in: Classes currently not in use - Non- immigrants.)
RE	REFUG	Sec. 207 of the I&N Act as revised by PL 96-212 (March 17, 1980)	Refugee: alien unable or unwilling to return to country of nationality because of persecution or a well- founded fear of persecution. (See RF In: Classes currently not in use - Non-immigrants.)
S1	S1W	Sec. 101(a)(15) of the I&N Act as added by PL 99-603 (Nov. 6, 1986)	Special Agricultural Worker - Group I.

S2	S2W	Sec. 101(a)(15) of the I&N Act as added by PL 99-603 (Nov. 6, 1986)	Special Agricultural Worker - Group II.
S8	H-1A	Sec. 101(a)(15)(H)(i)(a) of the I&N Act as added by PL 101- 238, Sec. 3(a) (Dec. 18, 1989)	Registered nurse.
S9	H-2A	Sec. 101(a)(15)(H)(ii)(a) of the I&N Act as added by PL 99-603, Sec. 301(a)(a) and Sec. 216(a)(1)(A) and (B) (Nov. 6, 1986)	Emergency farm worker to perform agricultural services or labor of a temporary or seasonal nature when services are unavailable in the country-regionU.S. and will not adversely affect wages and working conditions of placecountry-regionU.S. workers.
ST	CitySTOWSec. 273 of the I&N ActStowaway: alien who arrives at a placecountry-regionU.S. port without documentation usually to attempt entry surreptitiously. (See R5 in: Classes Currently not in use -Nonimmigrants.)		
TD	TD	Sec. 101(a)(15)(B), (E), and (L) and Sec. 214(e) of the I&N Act as amended by PL 103-182, Sec. 341(b) (Dec. 8, 1993)	Canadian or Mexican citizen spouse or child of TN.
TN	TN	Sec. 101(a)(15)(B), (E), and (L) and Sec. 214(e) of the I&N Act as amended by PL 103-182, Sec. Principal 341(b) (Dec. 8, 1993)	Alien seeking entry to the placecountry-regionUnited States as a NAFTA professional,
W1	W1	Sec. 101(a)(15) of the I&N Act as added by PL 99-603 (Nov. 6, 1986)	Alien who entered the placecountry-regionU.S. illegally prior to January 1, 1982 who applies for temporary legal resident status.

W2	W2	Sec. 101(a)(15) of the I&N Act added by PL 99-603 (Nov. 6, 1986)	Alien who entered the placecountry-regionU.S. as a nonimmigrant prior to January 1, 1982, overstays visa, and applies for temporary legal resident status.
WB	WB	Sec. 217 of the I&N Act as added by PL 99-603, Sec. 313 Nov. 6, 1986); revised by PL 101-649, Sec. 201 (Nov. 29, 1990)	Temporary visitor for business admitted without visa under the Visa Waiver Pilot Program.
WD	WD	Sec. 212(d)(5) of the I&N Act and OI, Sec. 235	Withdrawal: alien who withdraws entry application, required to leave on the next available transportation.
WR	WR	Sec. 217 of the I&N Act as added by PL 99-603, Sec. 313 (Nov. 6, 1986); revised by PL 101-649, Sec. 201 (Nov. 29, 1990)	Visa Waiver Pilot Program refusal.
WT	WT	Sec. 217 of the I&N Act as added by PL 99-603, Sec. 313 (Nov. 6, 1986); revised by PL 101-649, Sec. 201 (Nov. 29, 1990)	Temporary visitor for pleasure admitted without visa under the Visa Waiver Pilot Program.

3. Classes Currently In Use - Other Categories of Aliens

Symbol: Statistical /	**Document**	**Section of Law**	**Description**
991	991		Carter special.
992	992		Carter general.
993	993		Spellman general.
994	994		Spellman humanitarian.
999	999		Alien awaiting decision of asylum application.
ABD	ABD		Abandonment of residency.
ABS	ABS		No description.
AO	AO		Asylee applicant without work authorization.
AS	AS		Asylee applicant with work authorization.
AS1	AS1	Sec. 209(b) of the I&N Act as added	Approved asylee principal.

		by PL 96-212 (Mar. 17, 1980)	
AS2	AS2		Approved spouse of an asylee.
AS3	AS3		Approved child of an asylee.
ASD	ASD		Asylum status denied.
ASR	ASR		Asylum status revoked.
AY1	AY1		Legalization applicant, Ayuda class member, with employment authorization.
AY2	AY2		Legalization applicant, Ayuda class member, with no employment authorization.
BCC	BCC		Approved border crossing card (I-586).
BCD	BCD		Denied border crossing card (I-586).
CS1	CS1		Legalization applicant, Catholic Social Services class member, with employment authorization.

CS2	CS2		Legalization applicant, Catholic Social Services class member, with no employment authorization.	
CS3	CS3		Legalization applicant, Catholic Social Services class member - sting case.	
CSS	CSS		Alien not eligible for legalization under court case filed by Catholic Social Services.	
DAS	DAS	VAWA Crime Bill PL 103-322	Alien who is self-petitioning under court case filed by Catholic Social Services	FY 97
DEP	DEP	Sec. 252(b)(1) of INA 1952	Deportation - alien no longer in legal permanent resident status and has been deported from the placecountry-regionUnited States.FY 96	
DHR	DHR		Haitian denied refugee Application	
DNA		HR 2267, Commerce	Denaturalization Cases Justice, State Appropriations, PL 105-119	FY 98
ERF	ERF	Sec. 235(b)(1) of the I & N Act (Apr.1, 1997)	Expedited removal case has been initiated and a final decision is pending a credible fear determination by an asylum officer or immigration judge.	FY 97

ERP	ERP	Sec. 235(b)(1)of the I & N Act (Apr.1, 1997)	Expedited removal case has been initiated and a final decision is pending for reasons other than referal for credible fear interview before an asylum officer.	FY 97
ERR	ERR		Alien removed from the placecountry-regionUnited States under the Expedited Removal program.FY 97	
EWI	EWI		Entry without inspection.	
EXC	EXC	Sec. 252(b) of INA 1952	Exclusion - formal denial of an alien's entry into the placecountry-regionUnited States by an immigration judge after an exclusion hearing.FY 96	
EXP			Expatriation. United States (U.S.) naturalized citizens who have expatriated from the placecountry-regionU.S.FY 96	
FFD	FFD		Family Fairness program, status denied.	
FFG	FFG		Family Fairness program, status granted.	
FFP	FFP		Family Fairness program, decision Mpending.	
FFW	FFW		Family Fairness program, status granted with employment authorization.	

FUG	FUG		Family Unity program, status granted allowing extended voluntary departure.
IJ	IJ		Referred to the Immigration Courts by the INS (e.g., Asylum applicant).
IMM	IMM		Immigrant.
IT1 IT6	IT1 IT6		Employment Creation principal (Emp. 5th pref.), targeted area, conditional status terminated.
IT2 IT7	IT2 IT7		Employment Creation spouse (Emp. 5th pref.), targeted area, conditional status terminated.
IT3 IT8	IT3 IT8		Employment Creation child (Emp. 5 th pref.), targeted area, conditional status terminated.
LE1	LE-1		Legalization applicant, LEAP class member, (nonimmigrant known to the government before January 1, 1982).
LE2	LE-2		Legalization applicant, LEAP class membership derived (nonimmigrant known to the government before January 1, 1982).
LPR	LPR		Legal permanent resident alien.

LU1	LU1		Legalization applicant, LULAC class member, with employment authorization.
LU2	LU2		Legalization applicant, LU member, with no employment authorization.
MI1	MI1		PlaceNamePacific PlaceNameTrust PlaceTypeTerritory citizen on Nov. 2, 1986 and domiciled in the placecountry-regionUnited States.
MI2	MI2		PlaceNamePacific PlaceNameTrust PlaceTypeTerritory citizen on Nov. 2, 1986 domiciled continuously in the placecountry-regionUnited States from 1981-86.
MI3	MI3		PlaceNamePacific PlaceNameTrust PlaceTypeTerritory citizen (conditional) domiciled in the placecountry-regionUnited States before Jan. 7, 1984.
N51 N56	N51 N56	Sec. 216A(b) of the I&N Act as amended by PL 101-649 (Nov. 29, 1990)	Employment creation (5th preference), principal; denied legal permanent resident status. (N56 is adjustment.)
N52 N57	N52 N57	Sec. 216A(b) of the I&N Act as amended by PL	Spouse of alien classified N51 or N56; denied legal permanent resident status. (N56 is adjustment.)

		101-649 (Nov. 29, 1990)	
N53 N58	N53 N58	Sec. 216A(b) of the I&N Act as ammended by PL 101-649 (Nov. 29, 1990)	Child of alien classified N51 or N56; denied legal permanent resident status. (N58 is adjustment.)
NT1 NT6	NT1 NT6		Employment Creation principal (Emp. 5th pref.), not in targeted area, conditional status terminated.
NT2 NT7	NT2 NT7		Employment Creation spouse (Emp. 5th pref.), not in targeted area, conditional status terminated.
NT3 NT8	NT3 NT8		Employment Creation child (Emp. 5th pref.), not targeted area, conditional status terminated.
PAC	PAC		Employment authorization document for PlaceNamePacific PlaceNameTrust PlaceTypeTerritories (except placePlaceNameMarianas PlaceTypeIslands).
PEN	PEN		Pending.
PI	PI		Employment authorization document for placePlaceNamePacific PlaceNameTrust PlaceTypeTerritory.

PL1	PL1		Legalization applicant, Pereales class member.
PL2	PL2		Legalization applicant, Pereales non-class member.
RAD		Refugee Application Denied	FY 98
RE1	RE-1	Sec. 209(a) of the I&N Act as added by PL 96-212 (Mar. 17, 1980)	Refugee who entered the placecountry-regionUnited States on or after Apr. 1, 1980.
RE2	RE-2	Sec. 209(a) of the I&N Act as added by PL 96-212 (Mar. 17, 1980)	Spouse of an alien classified as RE1 (spouse entered on or after Apr. 1, 1980).
RE3	RE-3	Sec. 209(a) of the I&N Act as added by PL 96-212 (Mar. 17, 1980)	Child of an alien classified as RE1 (child entered on or after Apr. 1, 1980).
RE4	RE-4	Sec. 209(a) of the I&N Act as added by PL 96-212 (Mar. 17, 1980)	Other members of the case regarding an alien classified as RE1 (entered the on or the placecountry-regionUnited States after Apr. 1, 1980).

RE5	RE-5		Haitian with granted refuge status admitted into the placecountry-regionUnited States.
REC	REC	Sec. 246 of the I&N Act	Legal permanent residence status rescinded
REM	REM	Sec. 250 of the I&N Act	Removal - alien who falls into distress or who needs public aid and has been voluntarily removed from the placecountry-regionUnited States.
S1D	S1D	Sec. 210 of the I&N	Legalization applicant denied Act temporary resident status, Special Agricultural Worker - Group I.
S2D	S2D	Sec. 210 of the I&N Act	Legalization applicant denied temporary resident status, Special Agricultural Worker - Group II.
SB1	SB-1	Sec. 10(a)(27)(A) of the I&N Act as amended by PL 94-571 (Oct. 20, 1976)	Returning resident alien.
SDF	SDF		Suspected document fraud.
SO1	SO1		Legalization applicant, Sod worker class member, with employment authorization.

SO2	SO2		Legalization applicant, Sod worker class member, with no employment authorization.
SU2	SU2		Legalization applicant, Sugar cane worker class member, with no employment authorization.
T1D	T1D	Sec. 245(a) of the I&N Act	Legalization applicant denied temporary residentstatus, entered the placecountry-regionU.S. without inspection (EWI) prior to 1982.
T2D	T2D	Sec. 245(a of the I&N Act	Legalization applicant denied temporary resident status, entered the placecountry-regionU.S. as a nonimmigrant and overstayed prior to 1982.
T3D	T3D	Sec. 245(a) of the I&N Act	Legalization applicant denied temporary resident status, from country granted blanket Extended Voluntary Departure (EVD).
T21 T26	T21 T26		Spouse of legal permanent resident alien, conditional status denied or reopened.
T22 T27	T22 T27		Unmarried step-child of legal permanent residentalien, conditional status denied or reopened.
T23 T28	T23 T28		Child of C22 or C27, conditional status denied or reopened.

T41 T46	T41 T46		Married step-child of placecountry-regionU.S. citizen conditional status denied or reopened.
T42 T47	T42 T47		Spouse of C41 or C46, conditional status denied or reopened.
T43 T48	T43 T48		Child of C41 or C46, conditional or status denied reopened.
TA	TA		Special Agricultural Worker (S1).
TC1 TR6	TC1 TR6		Spouse of placecountry-regionU.S. citizen, conditional status denied or reopened.
TC2 TR7	TC2 TR7		Child of placecountry-regionU.S. citizen, conditional status denied or reopened.
TF1	TF1		Fiance or fiancee of placecountry-regionU.S. citizen, conditional status denied or reopened.
TF2	TF2		Child of fiance or fiancee of placecountry-regionU.S. citizen, conditional status denied or reopened.
TR	TR		Regular legalization. (See W1 in: Classes currently in use - Nonimmigrants.)

TR1	TR1	Sec. 210(a) of the I&N Act	Replenishment agricultural (RAW), applied within United States.(See AW and RW in: Classes currently not in use - Nonimmigrants.) Note: RAW program was never implemented.
TR2	TR2	Sec. 210(a) of the I&N Act	Replenishment agricultural worker (RAW), applied outside placecountry-regionUnited States. (See AW and RW in: Classes currently not in use-Nonimmigrants.) Note: RAW program was never implemented.
TRM	TRM		Conditional resident status terminated.
TS1	TS1	Sec. 210 of the I&N Act	Legalization applicant granted temporary resident status, Special Agricultural Worker - Group I.
TS2	TS2	Sec. 210 of the I&N Act	Legalization applicant granted temporary resident status, Special Agricultural Worker - Group II.
TW1	TW1	Sec. 245(a) of the I&N Act	Legalization applicant granted temporary resident status, entered the U.S. (EWI) without inspection prior to 1982.
TW2	TW2	Sec. 245(a) of the I&N Act	Legalization applicant granted temporary resident status, entered the placecountry-regionU.S. as a nonimmigrant an overstayed prior to 1982. (See W2 in: Classes currently not in use - Nonimmigrants.)

TW3	TW3	Sec. 245(a) of the I&N Act	Legalization applicant granted temporary resident status, from country granted blanket Extended Voluntary Departure (EVD).
UN	UN		Unknown, none, or not reported.
USC	USC		placecountry-regionU.S. citizen.
W1D	W1D	Sec. 245(a) of the I&N Act	Legalization applicanat denied permanent resident status, entered the placecountry-regionU.S. without inspection (EWI) prior to 1982.
W2D	W2D	Sec. 245(a) of the I&N Act	Legalization applicant denied permanent resident status, entered the placecountry-regionU.S. as a nonimmigrant and overstayed prior to 1982.
W3D	W3D	Sec. 245(a) of the I&N Act	Legalization applicant denied permanent resident status, from country granted blanket Extended Voluntary Departure (EVD).
Z14	Z14	addressStreetVAWA Crime Bill PL 103-322Alien granted suspension or cancellation of removal pursuant to the VAWA provisions.	
ZM1	ZM1		Legalization applicant, Zambrano class member, with employment authorization.

ZM2	ZM2		Legalization applicant, Zambrano class member, with no employment authorization.	

4. Classes Currently Not In Use - Legal Permanent Resident Aliens

Symbol				
Statistical	Document	Arrival/Adjust	Section of Law	Description
1	1	N	Sec. 1 of Act approved June 28, 1932	Native of placeVirgin Islands residing in a foreign country (nonquota).
12	12	N	Sec. 12 of PL 774 (June 25, 1948)	Person of German ethnic origin, born in CityCzechoslavkia, country-regionPoland, country-regionHungary, country-regionRumania, or placecountry-regionYugoslavia and dependent, spouse or child
12A	12A	N	Sec. 12(a) of PL 774 (June 25, 1948) as amended	Person of German ethnic origin charged to German quota or Austrian quota or country of birth (born in country-regionYugoslavia, CityCzechoslavkia, country-regionLithuania, country-regionEstonia, Hungry, CityLativa, country-regionPoland, placecountry-

				regionRumania, or U.S.S.R., or areas under control of such countries).
12C	12C	N	Sec. 12(a) of PL 774 (June 25, 1948) as amended	Child adopted by U.S citizen (first priority in German quota or Austrian quota).
13A	13A	N	Sec. 13(a)(1) of PL 139 (May 26, 1924)	Child born subsequent to issuance of visa or reentry permit (not charageable to quotas).
2	2	N	Sec. 2 of Act approved Dec. 17, 1943	Chinese: preference quota immigrant (Chinese born and reisdent of placecountry-regionChina); or Nonpreference quota immigrant.
231	231	N	Sec. 231 of PL 79-371 (Apr. 30, 1946)	Philippine citizen, wife or unmarried son or daughter granted nonquota status.
2-C	2-C	N	Sec. 2(c) of PL 774 (June 25, 1948) as Amended by PL 555 (June 16, 1950); also Sec. 4(a), (c), (d) of PL 139, (May 26, 1924)	Eligible displaced person (nonquota): wife or child of placecountry-regionU.S. citizen; native of a nonquota country or wife or unmarried child (each born in a quota country) of a native of a nonquota country; minister of a religious denomination or wife or unmarried child.
2C6 2-C	2C6 2-C	N N	Sec. 2(c)(6)(a), (b), (c) of PL 774 (June 25, 1948)	Eligible displaced person (quota or nonquota): first preference, engaged in agricultural pursuits or wife or unmarried minor child; second preference, special skills and training or wife or unmarried minor child; third preference, blood relative of citizen or resident alien of the

				United States or wife or unmarried minor child.
2-D	2-D	N	Sec. 2(d) of PL 774 (June 25, 1948) as amended by PL 555 (June 16, 1950)	Eligible displaced person who is a recent political refugee.
2-E	2-E	N	Sec. 2(e) of PL 774 (June 25, 1948) as amended by PL 555 (June 16, 1950)	Eligible displaced orphan (nonquota).
2-F	2-F	N	Sec. 2(f) of PL 774 (June 25, 1948) as amended by PL 555 (June 16, 1950)	Orphan, adopted or coming to a public or private agency for adoption or guardianship
2-G	2-G	N	Sec. 2(g) of PL 774 (June 25, 1948) as amended by PL 555 (June 16, 1950)	Eligible displaced person of Venezia Guilia.
317	317	N	Sec. 317(c) of the Nationality Act of 1940 (Oct. 14, 1940)	Dual national who has been expatriated (nonquota).
318	318	N	Sec. 318(b) of the Nationality Act of 1940 (Oct. 14, 1940)	Former citizen expatriated through expartriation of parent(s) (immigrant not chargeable to quotas).
3-B 3B2	3-B 3B2	N N	Sec. 3(b)(2) of PL 774 (June 25, 1948) as	Eligible displaced person from country-regionChina still in country-regionChina

			amended by PL 555 (June 16, 1950)	or who left placecountry-regionChina but is not Permanently resettled.
3-B 3B3	3-B 3B3	N N	Sec. 3(b)(3) of PL 774 (June 25, 1948) as amended by PL 555 (June 16, 1950); also 4(a) of PL 139 (May 26, 1924)	Eligible displaced person: who is a Polish veteran of World War II residing in country-regionGreat Britain; child of placecountry-regionU.S. citizen (nonquota).
3-B 3B4	3-B 3B4	N N	Sec. 3(b)(4) of PL 774 as amended by PL 555 (June 16, 1950);also 6(a)(1)(B) and 6(a)(2) of PL 139 (May 26, 1924)	Eligible displaced person: who is a resident and national of country-regionGreece entitled to first Preference quota status as parent or husband of country-regionU.S. citizen or as skilled Agriculturist; who is a resident and national of country-regionGreece entitled to second preference quota status as wife or child of alien Resident of the placecountry-regionUnited States.
3-C	3-C	N	Sec. 3(c) of PL 774 (June 25, 1948) as amended by PL 555 (June 16, 1950); also 317(c) of the Nationality Act of 1940 (Oct. 14, 1940)	Eligible displaced person of European national origin outside of country-regionItaly, country-regionGermany, or placecountry-regionAustria, who prior to July 1, 1954, is alloted up to 50 percent of nonpreference quota; dual national who has been expatriated (nonquota).
4	4	A	Sec. 4 of PL 774 (June 25, 1948)	Displaced person in the placecountry-regionUnited States adjusting status to immigrant.
4-A	4-A	N	Sec. 4(a) of PL 139 (May 26, 1924); also PL 717 (Aug. 19, 1950) as amended by PL 6 (Mar. 19, 1951)	Husband or wife or unmarried child of a country-regionU.S. citizen member of the U.S. Armed Forces (otherwise racially inadmissible); husband or wife or unmarried child of a placecountry-

				regionU.S. citizen (to include an alien who changed status from a nonimmigrant to an immigrant under PL 271 (Dec. 28, 1945).
4-A	4-A	N	Sec. 4(a) of PL 139 (May 26, 1924) as amended by President's Directive of Dec. 22, 1945	Refugee husband or wife or unmarried child of a placecountry-regionU.S. citizen (nonquota).
4-A	4-A	A	Sec. 4(a) of PL 774 (June 25, 1948)	Displaced person temporarily residing in the placecountry-regionUnited States, who was granted the status of permanent resident.
4-B	4-B	N	Sec. 4(b) of PL 139 (May 26, 1924)	Alien returning from temporary visit abroad.
4-C	4-C	N	Sec. 4(c) of PL 139 (May 26, 1924) as amneded by President's Directive of Dec. 22, 1945	Native or refugee native of Canada, Newfoundland Mexico, Cuba, Haiti, Dominican Republic, Canal Zone, or an independent country of Central or South America; wife or refugee wife or the unmarried child (born in a quota country) of a native of a nonquota country.
4-D	4-D	N	Sec. 4(d) of PL 139 (May 26, 1924) as of Dec. 22, 1945 amended by President's Directive	Minister or refugee minister of a religious denomination his refugee professor of a college,wife or unmarried child academy, seminrary, or(nonquota); professor or university, his wife, or unmarried child (nonquota).
4-F	4-F	N	Sec. 4(f) of PL 139 (May 26, 1924) as	Woman or refugee woman who was a citizen of the placecountry-regionUnited

			amended by President's Directive of Dec. 22, 1945	States and lost her citizenship by marriage (nonquota).
5	5	N	Sec. 5 of PL 139 (May 26, 1924)	Quota immigrant or orphan (under 10 years of age).
503	503	N	Sec. 503 of the Nationality Act of 1940, (Oct. 14, 1940)	Holder certificate of identity to prosecute an action (immigrant).
6	6	A	PL 203 (Aug 7, 1953)	Refugee Relief Act of 1953, refugee adjustment.
6A1 6-A	6A1 6-A	N N	Sec. 6(a)(1)(A), (B) of PL 139 (May 26, 1924) as amended by President's Directive of Dec. 22, 1945	First preference: parent or husband or refugee parent or husband of placecountry-regionU.S. citizen (quota); skilled agriculturist or refugee skilled agriculturist, his wife, or child (quota).
6A2 6-A	6A2 6-A	N N	Sec. 6(a)(2) of PL 139 (May 26, 1924) as amended by President's Directive of Dec. 22, 1945	Second preference: wife or refugee wife or child of an alien reisdent of the placecountry-regionUnited States (quota).
6A3 6-A	6A3 6-A	N N	Sec. 6((a)(3) of PL 139 (May 26, 1924) as amended by President's Directive of Dec. 22, 1945	Non-preference alien or refugee alien (quota).

A41 A46	A4-1 A4-6	N A	Sec. 204(g) of the I&N Act as added by PL 97-359 (Oct. 22, 1982)	Married American son or daughter of a country-regionU.S. citizen, born in country-regionCambodia, country-regionKorea, country-regionLaos, placecountry-regionThailand, or Vietnam.N
A42 A47	A4-2 A4-7	N A	Sec. 204(g) of the I&N Act as added by PL 97-359 (Oct. 22, 1982)	Spouse of alien classified as A41 or A46.
A43 A48	A4-3 A4-8	N A	Sec. 204(g) of the I&N Act as added by PL 97-359 (Oct. 22, 1982)	Child of alien classified as A41 or A46.
C7P	C7-P	A	Sec. 1 of PL 89-732 (Nov. 2, 1966); visa allocated under Sec. 203(a)(7) of the I&N Act	Cuban refugee, or the non-Cuban spouse or child of a Cuban refugee, charged under the seventh preference category and the numerical limitations of the placeEastern Hemisphere.
C41 C46	C4-1 C4-6	N A	Sec. 203(a)(4) of the I&N Act as amended by PL 99-639 (Nov. 10, 1986) Sec. 245 of the I&N Act as amended by PL 99-639	Married step-child of a placecountry-regionU.S. citizen - **conditional** .
C42 C47	C4-2 C4-7	N A	Sec. 203(a)(8) of the I&N Act as amended by PL 99-639 (Nov. 10, 1986) Sec. 245 of the I&N Act as amended by PL 99-639	Spouse of alien classified as C41 or C46 - **conditional** .

C43 C48	C4-3 C4-8	N A	Sec. 203(a)(8) of the I&N Act as amended by PL 99-639 (Nov. 10, 1986) Sec. 245 of the I&N Act as amended by PL 99-639	Child of alien classified as C41 or C46 - **conditional** .
CNP	CN-P	A	Sec. 1 of PL 89-732 (Nov. 2, 1966); visa Allocated under Sec. 203(a)(1)(8) of the I&N Act	Cuban refugee, or the non-Eastern Hemisphere.Cuban spouse or child of a Cuban refugee, charged under the nonpreference category and the numerical limitations of the
CT	CT	N	No description.	placecountry-regionU.S. citizen.
CU8	CU-8	A	Sec. 1 of PL 89-732 (Nov. 2, 1966)	Cuban refugee spouse of a
CU9	CU-9	A	Sec. 1 of PL 89-732 (Nov. 2, 1966)	Cuban refugee child of a placecountry-regionU.S. citizen.
CU0	CU-0	A	Sec. 1 of PL 89-732 (Nov. 2, 1966)	Cuban refugee parent of a placecountry-regionU.S. citizen.
CUP	CU-P	A	Sec. 1 of PL 89-732 (Nov. 2, 1966); visa allocated under Sec. 203(a)(1) through 203(a)(7) of the I&N Act	Cuban refugee, or the non-Cuban spouse or child of a Cuban refugee, charged under a preference category other than seventh preference and the numerical limitations of the placeEastern Hemisphere.
DP	DP	A	Displaced person.	

K-1	K-1	N	Sec. 4(b)(2)(A) of PL 85-316 (Sept. 11, 1957)	Eligible orphan adopted abroad (nonquota).
Z-2	Z-2	A	Sec. 245 of the I&N Act	
K-2 Z-2	K-2 Z-2	N A	Sec. 4(b)(2)(B) of PL 85-316 (Sept. 11, 1957) Sec. 245 of the I&N Act	Eligible orphan to be adopted abroad (nonquota). (See placeK2 in:Classes currently in use - Nonimmigrnats.)
K-3	K-3	N	Sec. 9 of PL 85-316 (Sept. 11, 1957) as Amended	Spouse or child of adjusted first preference immigrant (nonquota).
K-4	K-4	N	Sec. 12(a) of PL 85-316 (Sept. 11, 1957) as amended	Beneficiary of first preference petition approved prior to July 1, 1958 (nonquota).
Z-2	Z-2	A	Sec. 245 of the I&N Act as amended by PL 85-700 (Aug. 21, 1958)	
K-5	K-5	N	Sec. 12(a) of PL 85-316 (Sept. 11, 1957) as amended	Spouse or child of beneficiary of first preference petition approved prior to July 1, 1958 (nonquota).
Z-2	Z-2	A	Sec. 245 of the I&N Act as amended by PL 85-700 (Aug. 21, 1958)	

K-6	K-6	N	Sec. 12 of PL 85-316 (Sept. 11, 1957) as Amended	Beneficiary of 2nd preference petition approved prior to July 1, 1957 .
Z-2	Z-2	A	Sec. 245 of the I&N Act as amended by PL 85-700 (Aug. 21, 1958)	(nonquota)
K-7	K-7	N	Sec. 12 of PL 85-316 (Sept. 11, 1957) as Amended	Beneficiary of 3rd preference petition approved prior to July 1, 1957 (nonquota).
Z-2	Z-2	A	Sec. 245 of the I&N Act as amended by PL 85-700 (Aug. 21, 1958)	
K-8	K-8	N	Sec. 15(a)(1) of PL 85-316 (Sept. 11, 1957) as amended	German exepellee (nonquota).
Z-2	Z-2	A	Sec. 245 of the I&N Act as amended by PL 85-700 (Aug. 21, 1958)	
K-9	K-9	N	Sec. 15(a)(2) of PL 85-316 (Sept. 11, (1957) as amended	placecountry-regionNetherlands refugee or relative (nonquota).
Z-2	Z-2	A	Sec. 245 of the I&N Act as amended by PL 85-700 (Aug. 21, 1958)	

K10	K1-0	N	Sec. 15(a)(3) of PL 85-316 (Sept. 11, 1957) as amended	Refugee-escapee (nonquota).
Z-2	Z-2	A	Sec. 245 of the I&N Act as amended by PL 85-700 (Aug. 21, 1958)	
K11	K1-1	N	Sec. 1(a) of PL 85-892 (Sept. 2, 1958) as amended	placeAzores natural calamity victim (nonquota).
K12	K1-2	N	Sec. 1(a) of PL 85-892 (Sept. 2, 1958) as amended	Accompanying spouse or unmarried minor son or daughter of alien classified
K13	K1-3	N	Sec. 1(b) of PL 85-892 (Sept. 2, 1958) as amended	country-regionNetherlands national displaced from placecountry-regionIndonesia (nonquota) or eligible orphan adopted
K14	K1-4	N	Sec. 1 of PL 85-892 (Sept. 2, 1958) as amended	Accompanying spouse or unmarried minor son or daughter of alien classified K13 (nonquota).
K15 Z-2	K1-5 Z-2	N A	Sec. 4 of PL 86-863 (Sept. 22, 1959) Sec. 245 of the I&N Act as amended by PL 85-700 (Aug. 21, 1958)	Parent of placecountry-regionU.S. citizen registered prior to Dec. 31, 1953 (nonquota).

K16 Z-2	K1-6 Z-2	N A	Sec. 4 of PL 86-863 (Sept. 22, 1959) Sec. 245 of the I&N Act as amended by PL 85-700 (Aug.21, 1958)	Spouse or child of alien resident registered prior to Dec. 31, 1953 (nonquota).
K17 Z-2	K1-7 Z-2	N A	Sec. 4 of PL 86-863 (Sept. 22, 1985-700 (Aug. 21, 1958) 59) Sec. 245 of the I&N Act as amended by PL 85-700 (Aug. 21, 1958)	Brother, sister, son, or daughter of placecountry-regionU.S. citizen registered prior to Dec. 31, 1953 (nonquota).
K18 Z-2	K1-8 Z-2	N A	Sec. 4 of PL 86-863 (Sept. 22, 1959) Sec. 245 of the I&N Act as amended by PL 85-700 (Aug. 21, 1958)	Spouse or child of alien classified K15, K16, or K17 (nonquota).
K19 Z-2	K1-9 Z-2	N A	Sec. 6 of PL 86-863 (Sept. 22, 1959) Sec. 245 of the I&N Act as amended by PL 85-700 (Aug. 21, 1958)	Parent of placecountry-regionU.S. citizen admitted as alien under Refugee Relief Act of 1953 (nonquota).
K20 Z-2	K2-0 Z-2	N A	Sec. 6 of PL 86-863 (Sept. 22, 1959) Sec. 245 of the I&N Act as amended by PL 85-700 (Aug. 21, 1958)	Spouse or child of alien admitted under Refugee Relief Act of 1953 (nonquota).
K21 KN4 Z-2	K2-1 KN-4 Z-2	N A A	Sec. 25(a) of PL 87-301 (Sept. 26, 1961) Sec. 245 of the I&N Act	Beneficiary of 2nd preference petition filed prior to July 1, 1961 (nonquota).

K22 KP4 Z-2	K2-2 KP-4 Z-2	N A A	Sec. 25(a) of PL 87-301 (Sept. 26, 1961) Sec. 245 of the I&N Act	Beneficiary of 3rd preference petition filed prior to July 1, 1961 (nonquota).
K23 KR3 KR4 Z-2	K2-3 KR-3 KR-4 Z-2	N N A A	Sec. 2 of PL 87-885 (Oct. 24, 1962) Sec. 245 of the I&N Act	Beneficiary of 1st preference petition filed prior to April 1, 1962 (nonquota).
K24 KS3 KS4 Z-2	K2-4 KS-3 KS-4 Z-2	N N A A	Sec. 2 of PL 87-885 (Oct. 24, 1962) Sec. 245 of the I&N Act	Spouse or child of alien classified K23, KR3, or KR4 (nonquota).
K25 KT4 Z-2	K2-5 KT-4 Z-2	N A A	Sec. 1 of PL 87-885 (Oct.24, 1962); Sec. 245 of the I&N Act	Beneficiary of 4th preference petition filed prior to Jan. 1, 1962, who isregistered prior to Mar. 31, 1954 (nonquota).
K26 KU4 Z-2	K2-6 KU-4 Z-2	N A A	Sec. 1 of PL 85-885 (Oct. 24, 1962) Sec. 245 of the I&N Act	Spouse or child of alien classified K25 or KT4 (nonquota).
KIC	KIC	A	PL 97-429 (Jan. 8, 1983)	Kickapoo Indian - placecountry-regionU.S. citizen.
KIP	KIP	A	PL 97-429 (Jan. 8, 1983)	Kickapoo Indian - freely pass and repass the borders of the
M-1	M-1	N	Sec. 101(a)(27) (A) of the I&N Act	Spouse of a placecountry-regionU.S. citizen (nonquota).

Z-2	Z-2	A	Sec. 245 of the I&N Act	
M-2	M-2	N	Sec. 101(a)(27)(A) of the I&N Act	Child of a placecountry-regionU.S. citizen
Z-2	Z-2	A	Sec. 245 of the I&N Act	
M-3	M-3	N	Sec. 101(a)(27)(A) and Sec. 101(b)(6) of the I&N Act	Eligible orphan adopted abroad (nonquota).
Z-2	Z-2	A	Sec. 245 of the I&N Act	
M-4	M-4	N	Sec. 101(a)(27)(A) and Sec. 101(b)(6) of the I&N Act	Eligible orphan to be adopted (nonquota).
Z-2	Z-2	A	Sec. 245 of the I&N Act	
M-8	M-8	A	PL 88-648 (July 14, 1960)	Refugee-escapee admitted for
M-9	M-9	A	PL 85-559 (July 25, 1958	Hungarian parolee admitted for status (nonquota).

N	N	N	Sec. 101(a)(27)(B) of the I&N Act	Returning former citizen to
NA	NA	N	8 CFR, Sec. 211 and OI, Sec. 211	Child born during temporary visit abroad of mother who is
NP1	NP-1	N	Sec. 203(a)(7) and (8) of the I&N Act as amended by PL 94-571 (Oct. 20, 1976)	Immigrant who does not qualify for any of the six family or employment preferences (non-preference).
NP6 Z-2 NP2 NP7	NP-6 Z-2 NP-2 NP-7	A A N A	Sec. 245 of the I&N Act as amended	Family member accompanying conditional immigrant.
NP5	NP-5	N	Sec. 314 of PL 99-603 (Nov. 6, 1986)	Natives of foreign states adversely affected by PL 89-236 (Oct. 3, 1965).
NP0	NP-0	A	Sec. 245 of the I&N Act as amended	
O1 O1M Z-2	O1 O1M Z-2	N N A	Sec. 101(a)(27)(C) of the I&N Act Sec. 245 of the I&N Act as amended by PL 85-700 (Aug. 21, 1958)	Native of certain placeWestern Hemisphere countries (nonquota).

O2 O2M Z-2	O2 O2M Z-2	N N A	Sec. 101(a)(27)(C) of the I&N Act Sec. 245 of the I&N Act as amended by PL 85-700 (Aug. 21, 1958)	Spouse of alien classified O1, unless O1 in own right (nonquota). (See O2 in: Classes currently in use Nonimmigrants.)
O3 O3M Z-2	O3 O3M Z-2	N N A	Sec. 101(a)(27)(C) of the I&N Act Sec. 245 of the I&N Act as amended by PL85-700 (Aug. 21, 1958)	Child of alien classified O1, unless O1 in own right (nonquota). (See O3 in: Classes currently in use - Nonimmigrants.)
OP1 OP6	OP-1 OP-6	N A	Sec. 203(a)(7) of the I&N Act and Sec. 3 of PL 100-658 (Nov. 15, 1988)	Alien from underrepresented country (Underrepresented Diversity Program).
P1 P1M Z-2	P-1 P1M Z-2	N N A	Sec. 101(a)(27)(D) And 324(a) of the I&N Act Sec. 245 of the I&N Act as amended by PL 85-700 (Aug. 21, 1958)	Person who lost citizenship by marriage (formerly P1) (nonquota). (See P1 in: Classes currently in use - Nonimmigrants.)
P2 P2M	P-2 P2M	N N	Sec. 101(a)(27)(D) and 327 of the I&N Act	Person who lost citizenship by serving in foreign armed forces (nonquota)
Z-2	Z-2	A	Sec. 245 of the I&N Act as amended by PL 85-700 (Aug. 21, 1958)	(formerly P2). (See P3 in: Classes currently in use - Nonimmigrants.)
P3 P3M	P-3 P3M	N N	Sec. 101(a)(27)(E) and Sec. 324(a)(1) of the I&N Act	Person who lost citizenship through parent's foreign naturalization (nonquota)

Z-2	Z-2	A	Sec. 245 of the I&N Act as amended by PL 85-700 (Aug. 21, 1958)	(formerly P3).
P7	P-7	A	Sec. 203(a)(7) of the I&N Act	Refugee.
P11	P1-1	N	Sec. 203(a)(1) of the I&N Act as amended by PL 94-571 (Oct. 20, 1976)	Unmarried son or daughter of placecountry-regionU.S. citizen (1st preference).
P16 Z-2	P1-6 Z-2	A	Sec. 245 of the I&N Act as amended	
		A		
P12 P17 Z-2	P1-2 P1-7 Z-2	N A A	Sec. 203(a)(8) of the I&N Act as amended by PL 94-571 (Oct. 20, 1976) Sec. 245 of the I&N Act as amended	Child of alien classified P11 or P16
P21	P2-1	N	Sec. 203(a)(2) of the I&N Act as amended by PL 94-571 (Oct. 20, 1976)	Spouse of a lawful permanent resident alien (2nd preference).
P26 Z-2	P2-6 Z-2	A A	Sec. 245 of the I&N Act as amended	

P22	P2-2	N	Sec. 203(a)(2) of the I&N Act as amended by PL 94-571 (Oct. 20, 1976)	Unmarried son or daughter of lawful permanent resident alien (2nd preference).
P27 Z-2	P2-7 Z-2	A A	Sec. 245 of the I&N Act as amended	
P23	P2-3	N	Sec. 203(a)(8) of the I&N Act as amended by PL 94-571 (Oct. 20, 1976)	Child of alien classified as P21, P22, P26, or P27 (2nd preference).
P28 Z-2	P2-8 Z-2	A A	Sec. 245 of the I&N Act as amended	
P31	P3-1	N	Sec. 203(a)(3) of the I&N Act	Professional or highly skilled
P36	P3-6	A	Sec. 245 of the I&N Act	
P32	P3-2	N	Sec. 203(a)(8) of the I&N Act	Spouse of alien classified as
P37	P3-7	A	Sec. 245 of the I&N Act	
P33	P3-3	N	Sec. 203(a)(8) of the I&N Act	Child of alien classified as P31

P38	P3-8	A	Sec. 245 of the I&N Act	
P41	P4-1	N	Sec. 203(a)(4) of the I&N Act	Married son or daughter of
P46	P4-6	A	Sec. 245 of the I&N Act	
P42	P4-2	N	Sec. 203(a)(8) of the I&N Act	Spouse of alien classified as
P47	P4-7	A	Sec. 245 of the I&N Act	
P43	P4-3	N	Sec. 203(a)(8)of the I&N Act	Child of alien classified as P41
P48	P4-8	A	Sec. 245 of the I&N Act	
P51	P5-1	N	Sec. 203(a)(8) of the I&N Act	Brother or sister of placecountry-regionU.S.
P56	P5-6	A	Sec. 245 of the I&N Act	

P52	P5-2	N	Sec. 203(a)(8) of the I&N Act	Spouse of alien classified as P51 or P56.
P57	P5-7	A	Sec. 245 of the I&N Act	
P53	P5-3	N	Sec. 203(a)(8) of the I&N Act	Child of alien classified as P51 or P56.
P58	P5-8	A	Sec. 245 of the I&N Act	
P61	P6-1	N	Sec. 203(a)(6) of the I&N Act	Needed skilled or unskilled worker (6th preference).
P66	P6-6	A	Sec. 245 of the I&N Act	
P62	P6-2	N	Sec. 203(a)(8) of the I&N Act as amended by PL 94-571 (Oct. 20, 1976)	Spouse of alien classified as P61 or P66 (6th preference).
P67 Z-2	P6-7 Z-2	A	Sec. 245 of the I&N Act	
P63	P6-3	N	Sec. 203(a)(8) of the I&N Act as amended by PL 94-571 (Oct. 20, 1976)	Child of alien classified as P61 or P66 (6th preference).

P68	P6-8	A	Sec. 245 of the I&N Act	
P71	P7-1	N	Sec. 203(a)(7)(A) of the I&N Act as amended by PL 94-571 (Oct. 20, 1976)	Conditional entry by refugee (7th preference).
P72	P7-2	N	Sec. 203(a)(7)(B) of the I&N Act as amended by PL 94-571 (Oct. 20, 1976)	Conditional entry by natural calamity victim (7th preference).
P75	P7-5	A	Sec. 203(a)(7) of the I&N Act	Refugee adjustment (7th
P76 P-7 Z-2	P7-6 P-7 Z-2	A A A	Sec. 245 of the I&N Act	Refugee adjustments under the proviso to section 203(a)(7) (7th preference).
X5	X-5	A	Sec. 245 of the I&N Act	
Q1 Q1M Z-2	Q-1 Q1M Z-2	N N A	Sec. 101(a)(27)(F) of the I&N Act Sec. 245 of the I&N Act as amended by PL 85-700 (Aug. 21, 1958)	Minister of religion (nonquota). (See Q1 in: Classes currently in use - Nonimmigrants.)
Q2 Q2M Z-2	Q-2 Q2M Z-2	N N A	Sec. 101(a)(27)(F) of the I&N Act Sec. 245 of the I&N Act as	Spouse of alien classified as Q1 (nonquota).

			amended by PL 85-700 (Aug. 21, 1958)	
Q3	Q-3	N	Sec. 101(a)(27)(F) of the I&N Act	Child of alien classified as Q1
Z-2	Z-2	A	Sec. 245 of the I&N Act as amended by PL 85-700 (Aug. 21, 1958)	
R1 R1M	R-1 R1M	N N	Sec. 101(a)(27)(G) of the I&N Act	Certain employees or former employees of placecountry-regionU.S. government abroad (nonquota).
Z-2	Z-2	A	Sec. 245 of the I&N Act as amended by PL 85-700 (Aug. 21, 1958)	
R2 R2M Z-2	R-2 R2M Z-2	N N A	Sec. 101(a)(27)(G) of the I&N Act Sec. 245 of the I&N Act as amended by PL 85-700 (Aug. 21, 1958)	Accompanying spouse of alien classified as R1 (nonquota).
R-3	R-3	N	Sec. 101(a)(27)(G) of the I&N Act	Accompanying child of former alien classified as R1 (nonquota).
Z-2	Z-2	A	Sec. 245 of the I&N Act as amended by PL	

R16	R1-6	A		Replenishment agricultural worker (RAW) - applied in placecountry-regionU.S.
REF	REF	A		Refugee.
RRA	RRA	N	PL 83-57 (Aug. 7, 1953)	Refugee Relief Act, refugee.
SA1	SA-1	N	Sec. 101(a)(27)(A) of the I&N Act as amended by PL 94-571 (Oct. 26, 1976)	Alien born in independent placeWestern Hemisphere country.
SA6 Z-2	SA-6 Z-2	A A	Sec. 245 of the I&N Act	
SA2	SA-2	N	Sec. 101(a)(27)(A) of the I&N Act as amended by PL 94-571 (Oct. 26, 1976)	Spouse of alien classified as SA1 or SA6, unless SA1 or SA6 in own right.
SA7 Z-2	SA-7 Z-2	A A	Sec. 245 of the I&N Act	
SA3	SA-3	N	Sec. 101(a)(27)(A) of the I&N Act as amended by PL 94-571 (Oct. 26, 1976)	Child of alien classified as SA1 or SA6, unless SA1 or SA6 in own right.
SA8 Z-2	SA-8 Z-2	A A	Sec. 245 of the I&N Act	

SF1	SF-1	N	Private Law (July 10, 1970)	Person from placeBonin Islands.
T-1	T-1	N	Sec. 203(a)(1) of the I&N Act	Selected immigrant, 1st
Z-2	Z-2	A	Sec. 245 of the I&N Act	
T-2	T-2	N	Sec. 203(a)(1) of the I&N Act	Spouse of alien classified T1,
Z-2	Z-2	A	Sec. 245 of the I&N Act	
U U-1	U U-1	N N	Sec. 203(a)(2) of the I&N Act	Parent of placecountry-regionU.S. citizen, 1st preference (quota).
Z-2	Z-2	A	Sec. 245 of the I&N Act	
U-2	U-2	N	Sec. 203(a)(2) of the I&N Act	Unmarried son or daughter of
Z-2	Z-2	A	Sec. 245 of the I&N Act	(quota).

VI0	VI-0	A	Sec. 2 of PL 97-271 (Sept. 30, 1982)	Parent of placecountry-regionU.S. citizen admitted
VI5	VI-5	N	Sec. 2 of PL 97-271 (Sept. 30, 1982	Parent of placecountry-regionU.S. citizen admitted
VI6	VI-6	A	Sec. 2 of PL 97-271 (Sept. 30, 1982	Alien admitted to the placecountry-regionU.S.
VI7	VI-7	A	Sec. 2 of PL 97-271 (Sept. 30, 1982	Alien admitted to the placecountry-regionU.S.
V-1	V-1	N	Sec. 203(a)(3) of the I&N Act	Spouse of alien resident, 3rd
Z-2	Z-2	A	Sec. 245 of the I&N Act	
V-2	V-2	N	Sec. 203(a)(3) of the I&N Act	Unmarried son or daughter of
Z-2	Z-2	A	Sec. 245 of the I&N Act	(quota).
W-1	W-1	N	Sec. 203(a)(4) of the I&N Act	Brother or sister of placecountry-regionU.S.
Z-2	Z-2	A	Sec. 245 of the I&N Act	

W-2	W-2	N	Sec. 203(a)(4) of the I&N Act	Married son or daughter of
Z-2	Z-2	A	Sec. 245 of the I&N Act	(quota).
W-3	W-3	N	Sec. 203(a)(4) of the I&N Act	Accompanying spouse of
Z-2	Z-2	A	Sec. 245 of the I&N Act	daughter of placecountry-regionU.S. citizen, 4th
W-4	W-4	N	Sec. 203(a)(4) of the I&N Act	Accompanying child of
Z-2	Z-2	A	Sec. 245 of the I&N Act	daughter of placecountry-regionU.S. citizen, 4th
W-5 Z-2	W-5 Z-2	N	Sec. 5(c) of PL 86-363 (Sept. 22, 1959)	Adopted son or daughter of
		A		placecountry-regionU.S. citizen who is beneficiary
X	X	N	Sec. 203(a)(4) of the	Non-preference quota
XA XA3	XA XA3	N N	Sec. 211(a)(1) of the I&N Act	Child born subsequent to issue of immigrant visa to accompanying parent (nonquota).

XB	XB	N	8 CFR, Sec. 101.1 and OI, Sec. 101.1	Alien who is presumed to have been lawfully admitted for permanent residence.
Y-1 4-A	Y-1 4-A	N N	Sec. 4(a)(1) of PL 83-203 (Aug. 7, 1953)	German expellee in Western Germany, StateBerlin, or placecountry-regionAustria (nonquota).
Y-2 4-A	Y-2 4-A	N N	Sec. 4(a)(2) of PL 83-203 (Aug. 7, 1953)	Escapee in Western Germany, StateBerlin, or placecountry-regionAustria (nonquota).
Y-3 4-A	Y-3 4-A	N N	Sec. 4(a)(3) of PL 83-203 (Aug. 7, 1953)	Escapee in NATO countries or in country-regionTurkey, country-regionSweden, country-regionIran, or placeCityTrieste (nonquota).
Y-4 4-A	Y-4 4-A	N N	Sec. 4(a)(4) of PL 83-203 (Aug. 7, 1953)	Polish veteran refugee in the placeBritish Isles (nonquota).
Y-5 4-A	Y-5 4-A	N N	Sec. 4(a)(5) of PL 83-203 (Aug. 7, 1953)	Italian refugee in country-regionItaly or placeCityTrieste (nonquota).
Y-6 4-A	Y-6 4-A	N N	Sec. 4(a)(6) of PL 83-203 (Aug. 7, 1953)	Italian relative of country-regionU.S. citizen or alien resident, residing in country-regionItaly or placeCityTrieste (nonquota).
Y-7 4-A	Y-7 4-A	N N	Sec. 4(a)(7) of PL 83-203 (Aug. 7, 1953)	Greek refugee in placecountry-regionGreece (nonquota).

Y-8 4-A	Y-8 4-A	N N	Sec. 4(a)(8) of PL 83-203 (Aug. 7, 1953)	Greek relative of country-regionU.S. citizen or alien resident, residing in placecountry-regionGreece (nonquota).
Y-9 4-A	Y-9 4-A	N N	Sec. 4(a)(9) of PL 83-203 (Aug. 7, 1953)	Dutch refugee in the placecountry-regionNetherlands (nonquota).
Y10 4-A	Y10 4-A	N N	Sec. 4(a)(10) of PL 83-203 (Aug. 7, 1953)	Dutch relative of country-regionU.S. citizen or alien resident, residing in the placecountry-regionNetherlands (nonquota).
Y11 4-A	Y11 4-A	N N	Sec. 4(a)(11) of PL 83-203 (Aug. 7, 1953)	placeFar East refugee (non-Asian) (nonquota).
Y12 4-A	Y12 4-A	N N	Sec. 4(a)(12) of PL 83-203 (Aug. 7, 1953)	placeFar East refugee (Asian) (nonquota).
Y13 4-A	Y13 4-A	N N	Sec. 4(a)(13) of PL 83-203 (Aug. 7, 1953)	Chinese refugee (nonquota).
Y14 4-A	Y14 4-A	N N	Sec. 4(a)(14) of PL 83-203 (Aug. 7, 1953)	CityPalestine refugee in the placeNear East (nonquota).
Y15 5	Y15 5	N N	Sec. 5 of PL 83-203 (Aug. 7, 1953)	Orphan (under 10 years of age) (nonquota).
Y16 Y64	Y16 Y64	A A	Sec. 6 PL 83-203 (Aug. 7, 1953)	Refugee Relief Act, refugee adjustment (nonquota).

Y2A	Y2A	N		Recent Hungarian escapee
4-A	4-A	A		(nonquota).
Z0	Z	A	Sec. 244 of the I&N Act as amended	Person in whose case record of
ZN	ZN	A	No description.	
Z-2	Z-2	A	Multple classes.	
Z-4	Z-4	A	Private bill.	
Z-5	Z-5	A	Sec. 4(d) of PL 85-316 (Sept. 11, 1957)	Multiple classes. Adjustment of status of orphans.
Z-6	Z-6	A	Sec. 9 of PL 85-316 (Sept. 11, 1957)	Multiple classes. Adjustment of status of prinicipal beneficiary.
Z-7	Z-7	A	Sec. 9 of PL 85-316 (Sept. 11, 1957)	Adjustment of status of spouse
Z-8	Z-8	A	Sec. 13 of PL 85-316 (Sept. 11, 1957)	Adjustment of status: citizen or a special immigrant.

Z11 Z-1	Z1-1 Z-1	A A	Sec. 244(a)(5) of the I&N Act as amended	Alien granted suspension of deportation (other than crewmen) and adjusted as a preference or nonpreference immigrant.
Z41 Z-4	Z4-1 Z-4	A A	Private Bill	Alien whose status was adjusted by private law as a preference or nonpreference immigrant.
Z57 Z-5	Z5-7 Z-5	A A	Sec. 244 of the I&N Act as amended	Alien granted suspension of deportation who entered as a crewmen on or before June 30, 1964 and adjusted as T-3preference or nonpreference immigrant.
Z91 Z-9	Z9-1 Z-9	A A	Sec. 13 of PL 85-316 (Sept 11, 1957)	Adjustment of a foreign official as a preference or nonpreference immigrant.

5. Classes Currently Not In Use - Nonimmigrants

Symbol			
Statistical	Document	Section of Law	Description
AWRI	AWINDEF	Sec. 101(a)(15) of the I&N Act Sec. 212(d)(5) of the I&N Act as added by PL 99-603 (Nov. 6, 1986)	Replenishment AgriculturalPerson paroled into placecountry-regionU.S. for Worker (RAW) applying with aindefinite periods. (See R1 in: skeletal application at a port ofClasses currently in use - entry. (See RW.) Nonimmigrants and Classes currently NOT in use - immigrants.)
R2	DEFER	Sec. 212(d)(5) of the I&N Act as interpreted by 8CFR, Sec. 235.3(c)	Deferred inspection. (See R2 in: Classes currently in use - Nonimmigrants and Classes currently NOT in use - Immigrants.)

R3	ML	Sec. 212(d)(5) of the I&N Act as interpreted by 8CFR, Sec. 212.5	Person paroled into placecountry-regionU.S. for medical or legal (humanitarian, public interest) reasons. (See CH and CP in: Classes currently in use - Nonimmigrants and R3 in: Classes currently NOT in use - Immigrants.)
R4	WD	Sec. 212(d)(5) of the I&N Act and OI, Sec. 235	Withdrawal. (See WD in: Classes currently in use - Nonimmigrants.)
R5	CitySTOW Sec. 273 of the I&N Act Stowaway. (addressStreetSee ST in: Classes currently in use - Nonimmigrants.)		
RF	REFUG	Sec. 207 of the I&N Act as revised by PL 96-212 (March 17, 1980)	Refugee. (See RE in: Classes currently in use - Nonimmigrants.)
RW	RAW	Sec. 101(a)(15) of the I&N Act as added by PL 99-603 (Nov. 6, 1986)	Replenishment Agricultural Worker (RAW) applying at a U.S. Consulate. (See AW.)
TB	TB2	Sec. 204(c) of the I&N Act as TC-DEP added by PL 100-449, Sec. 307 (Sept. 28, 1988)	Canadian citizen spouse and child of TC.
TC	TC1	Sec. 214(e) of the I&N Act as added by PL 100-449, Sec. 307 (Sept. 28, 1988)	Canadian citizen professional business person engaged in business activities in the placecountry-regionU.S. (U.S.-Canada Free Trade Agreement).