

# I-485 Package for Adjustment of Status

## Overview for Filing Form I-485

**ORDER#**  
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**Contact Us**  
**786-551-1119**  
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## Instructions for Application to Register Permanent Residence or Adjust Status Department of Homeland Security U.S. Citizenship and Immigration Services

The form designated as Form I-485 is utilized by individuals who are present in the United States to apply for lawful permanent resident status. These instructions may refer to Form I-485 as an adjustment of status application or simply as an adjustment application.

There are various ways provided by the Immigration and Nationality Act (INA) and other federal laws to adjust status to become a lawful permanent resident, often referred to as applying for a "green card." Eligibility requirements for adjustment of status may differ depending on the immigrant category. To learn more about eligibility and discretion, visit the USCIS website at [www.uscis.gov/green-card/green-card-processes-and-procedures/adjustment-status](http://www.uscis.gov/green-card/green-card-processes-and-procedures/adjustment-status). You must be physically present in the United States to file this application.

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

The main applicant, also known as the principal applicant, is typically the person who qualifies for an immigrant category or petition to adjust their status. The principal applicant should select the appropriate immigrant category by checking the corresponding box in Part 2, Item Numbers 1.a. - 1.g. of Form I-485. Each category has its own specific requirements for adjusting status, which can be found in the

In some cases, family members of the principal applicant who are not beneficiaries of their own immigrant petition may also be eligible to apply for adjustment of status under the same immigrant category as the principal applicant. These family members are referred to as "derivative applicants" and must select the appropriate box for their immigrant category on Form I-485, Part 2. However, not all immigrant categories allow for derivative applicants and some categories may allow additional family members to apply as derivatives. For further details, please refer to the Additional Instructions.

According to U.S. immigration law, an individual who is unmarried, under 21 years old, and meets the definition of "child" in the INA and USCIS policy guidance is considered a "child." The definition of "child" can be found at [www.uscis.gov/tools/glossary](http://www.uscis.gov/tools/glossary). Even if an individual turns 21 years old, they may still qualify as a child for immigration purposes under the Child Status Protection Act (CSPA). For more information about the CSPA, please visit [www.uscis.gov/green-card/green-card-processes-and-procedures/child-status-protection-act/child-status-protection-act-cspa](http://www.uscis.gov/green-card/green-card-processes-and-procedures/child-status-protection-act/child-status-protection-act-cspa).

If you are filing for adjustment of status based on an immigrant category not listed in Part 2., Item Numbers 1.a. - 1.g., select the "Other Eligibility" box in Item Number 1.g. and type or print the immigrant category you are applying under. These immigrant categories include, but are not limited to:

- A. Special immigrants not listed in Part 2., Item Number 1.c. (for example, certain U.S. armed forces members, Panama Canal Zone employees, and physicians);
- B. Polish or Hungarian parolee;
- C. Private immigration bill signed into law; and
- D. Registration of lawful permanent residence status based on a presumption of lawful admission.

### **Bars to Adjustment of Status**

If you fall under certain categories of immigrant status, you may be ineligible for adjustment of status due to one or more adjustment bars under INA sections 245(a), (c), (d), and/or (e). However, not all immigrant categories are subject to these bars, and some categories may be exempt from certain adjustment bars. Immediate relatives of U.S. citizens, Violence Against Women Act (VAWA)-based applicants, and certain special immigrants may be exempt from some adjustment bars, and some employment-based applicants may also be eligible for exemptions. For further information, please visit the USCIS website at <https://www.uscis.gov/forms/explore-my-options/green-card-eligibility>.

### **Exception Under INA section 245(i)**

Under certain circumstances, you may still be able to apply for adjustment of status under INA section 245(i), even if you are ineligible due to one or more adjustment bars under INA sections 245(a), (c), (d), and/or (e). However, to apply under this section, you must be eligible for an immigrant visa under a family-based, employment-based, special immigrant, or Diversity Visa category. You must also choose one of the immigrant categories listed in Part 2, Item Numbers 1.a.-1.g. on Form I-485 as the basis for your application for adjustment of status. Please refer to the Additional Instructions for your specific immigrant category for more information. Detailed instructions for adjusting status under INA section 245(i) can be found in the separate instructions for Supplement A to Form I-485.

## **Grounds of Inadmissibility**

Foreign nationals may be ineligible for lawful permanent resident status due to certain acts, conditions, or conduct, which are outlined in the Immigration and Nationality Act (INA) section 212(a) and known as grounds of inadmissibility. You may be inadmissible and unable to adjust status if you fall under one or more of these grounds of inadmissibility that apply to your immigrant category. However, depending on your immigrant category, some grounds may not apply to you. If you are inadmissible, you may be eligible for a waiver or other form of relief. If your waiver or relief application is approved, your application to adjust status may be granted. For more information, visit the USCIS website at <https://www.uscis.gov/forms/explore-my-options/green-card-eligibility>.

If you are a J-1 or J-2 nonimmigrant exchange visitor and are subject to the 2-year foreign residence requirement of INA section 212(e), you are not eligible to apply for adjustment of status unless you have met the foreign residence requirement, have been granted a waiver of that requirement, or have received a favorable recommendation letter for the waiver from the U.S. Department of State (DOS).

## **Certain A, G, and E Nonimmigrants**

If you hold A, G, or E nonimmigrant status or have an occupation that qualifies for such status, you may be ineligible to adjust status due to certain diplomatic rights, privileges, exemptions, and immunities that you are entitled to. However, you may be able to apply for a waiver of those rights, privileges, exemptions, and immunities in order to become eligible for adjustment of status.

This section offers basic guidelines on the appropriate time to submit Form I-485.

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

USCIS offers its forms for free through its website. To view, print, or fill out the forms, it is recommended that the latest version of Adobe Reader is used. Adobe Reader can be downloaded for free from <http://get.adobe.com/reader/>. In the event that internet access is not available, a form may be requested by contacting the USCIS Contact Center at 1-800-375-5283. TTY (deaf or hard of hearing) individuals may call 1-800-767-1833.

Form G-325A, Biographic Information. Form G-325A, which was previously required to provide biographic information, is no longer necessary for Form I-485. The biographical information required on Form G-325A is now collected in Parts 1 and 3 of Form I-485.

**Signature.** Each application must be properly signed and filed. USCIS does not accept a stamped or typewritten name in place of a signature. If you are under 14 years of age, your parent or legal guardian may sign the application on your behalf, unless you were born under diplomatic status in the United States. In some cases, a legal guardian may sign for a mentally incompetent person.

**Filing Fee.** You must include the correct filing fee and biometric services fee (if required) with your Form I-485. The amount of the fee depends on the category of your application and can be found in the What Is the Filing Fee section of the instructions. If you submit your application to an agency other than USCIS, make sure to check with that agency to determine if and when you need to pay a biometric services fee.

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

**Biometric Services Appointment.** USCIS has the authority to request that you attend an interview or provide biometric information (such as fingerprints, photograph, and signature) at any time to confirm your identity, obtain additional information, and conduct background and security checks, including checking your criminal history records held by the FBI, before making a decision on your application, petition, or request.

Once USCIS receives your complete application, they will inform you in writing if you need to attend a biometric services appointment. The notice will include the location of your local or designated USCIS Application Support Center (ASC) and the date and time of your appointment.

If you are filing Form I-485 with an immigration judge, whether as a principal or derivative applicant, you must comply with the instructions provided during the proceedings for submitting Form I-485 to USCIS, paying the relevant fees, and providing biometric and biographic information to USCIS.

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

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

It is important to attend your biometric services appointment if required. If you fail to attend the appointment, USCIS may deny your application. For applicants and derivatives who are in proceedings before an immigration judge, not attending a biometric services appointment without good cause may result in the immigration judge considering your application as abandoned. Additionally, USCIS may deny any other application, petition, or request you filed with them.

Copies. It is recommended that you submit clear photocopies of the documents requested, unless otherwise stated in the instructions. USCIS has the authority to request original documents at any time during the processing of your application, petition, or request. If USCIS requests an original document, it will be returned to you once it is no longer needed. It is important to note that submitting original documents when not required or requested may result in those documents becoming part of the record and not being returned to you, and they may be destroyed upon receipt.

NOTE: Submit only original documents that are specifically requested by USCIS or the Immigration Court. If you submit original documents when they are not required or requested, USCIS or the Immigration Court may retain them as part of your record, and may not automatically return them to you. Additionally, your original documents may be destroyed immediately upon receipt. Therefore, it is recommended to submit only legible photocopies of documents unless specifically instructed to submit an original document.

Translations. If you provide a document in a language other than English, you must also submit a complete English translation of the document. The translator must sign a certification that the translation is accurate and complete, and that he or she is competent to translate from the original language into English. The certification should include the translator's signature, printed name, and contact information, as well as the date of the certification. DHS recommends that the certification be included on the translation itself or on a separate sheet of paper attached to the translation.

Selective Service. Failure to register with the Selective Service System can result in denial of certain benefits, such as federal student loans, job training, and U.S. citizenship. If you are a male between the ages of 18 and 26 and have not registered with the Selective Service, you should do so before filing Form I-485. If you are over 26 years old and were required to register with Selective Service but did not, you may still be eligible for permanent residence, but you should speak with an immigration attorney to discuss your options.

In Part 10 of the application, there is a Selective Service Acknowledgement that must be reviewed. Its purpose is to confirm that you understand that USCIS will send your information to the Selective Service System for registration if your application is approved. If your application is denied, you are still required to register using another means, and if you have already registered, the Selective Service System will check its records to avoid duplication.

#### How To Fill Out Form I-485

- 1 Use black ink or type legibly.
- 2 Use Part 14 or attach additional sheets of paper if you need extra space, and include your name and Alien Registration Number (if applicable) at the top of each sheet. Indicate the Page Number, Part Number, and Item Number to which your answer refers, and sign and date each sheet.
- 3 Answer all questions accurately and fully. If a question does not apply to you, write "N/A" unless instructed otherwise. For questions that require a numeric response and your answer is zero or none, write "None" unless instructed otherwise.

4USCIS Online Account Number (if any). If you have used the USCIS online filing system (previously known as USCIS Electronic Immigration System or USCIS ELIS) to file an application, petition, or request before, provide the USCIS Online Account Number that you were given by the system. You can locate your USCIS Online Account Number by logging in to your account and navigating to the profile page. In case you filed certain applications, petitions, or requests on paper forms via a USCIS Lockbox facility, you might have received a USCIS Online Account Access Notice containing a USCIS Online Account Number. Your USCIS Online Account Number can be found at the top of that notice. If you received a USCIS Online Account Number, enter it in the appropriate space. Keep in mind that the USCIS Online Account Number is not the same as an A-Number.

5Alternate and/or Safe Address. If you are submitting Form I-485 as an adjustment of status application based on VAWA, or as a special immigrant juvenile, human trafficking victim (T nonimmigrant), or crime victim (U nonimmigrant), and you are concerned about receiving mail related to this application at your home address, you may provide an alternative, safe mailing address in Part 1, Item Numbers 13.a. - 13.f. This address could be a post office box, the address of a trusted friend or family member, your attorney, or a community-based organization that is assisting you. It should be an address where you feel secure and can receive mail in a timely manner. If you do not provide an alternate, safe address, USCIS may use the address of the preparer listed on your Form I-485, or the U.S. Mailing Address provided in Part 1, Item Numbers 12.a. - 12.f. if no preparer is listed.

6 Questions regarding Social Security Number (SSN). Part 1., Item Number 14. asks if the Social Security Administration (SSA) has ever officially issued you a Social Security Card. If the SSA ever issued a Social Security card to you in your name or a previously used name such as your maiden name, then you must enter the SSN from your card in Item Number 15.

7 Form I-94 Arrival-Departure Record. If U.S. Customs and Border Protection (CBP) or USCIS issued you a Form I-94, Arrival-Departure Record, provide your Form I-94 number and date that your authorized period of stay expires or expired (as shown on Form I-94). The Form I-94 number also is known as the Departure Number on some versions of Form I-94.

1 Hispanic or Latino. A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. (NOTE: This category is only included under Ethnicity in Part 7., Item Number 1.)

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

3 Asian. A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam

4 Black or African American. A person having origins in any of the black racial groups of Africa.

- 5 American Indian or Alaska Native. A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.
- 6 Native Hawaiian or Other Pacific Islander. A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

**B.** To provide your height, select the corresponding values in feet and inches. For example, if you are five feet and nine inches tall, select “5” for feet and “09” for inches. It is not necessary to provide your height in meters or centimeters.

**C.** To provide your weight, enter your weight in pounds. If you do not know your weight, or need to enter a weight under 30 pounds or over 699 pounds, enter “000.” Do not provide your weight in kilograms.

**D.** To indicate the color of your eyes, select the box that best describes the color of your eyes.

**E.** To indicate the color of your hair, select the box that best describes the color of your hair.

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

If you answer “Yes” to Part 8., Item Number 61., you are required to complete Item Numbers 62. - 68.d. To find out whether you are subject to the public charge ground of inadmissibility, see the Appendices tab in the USCIS Policy Manual Volume 8, Part G, at <https://www.uscis.gov/policy-manual/volume-8-part-g>.

For Part 8., Item Number 62., the following individuals are members of your household and should be included in your household size:

- You;
- Your spouse, if physically residing with you;
- Your parents, if physically residing with you;
- Your unmarried siblings under 21 years of age, if physically residing with you;
- Your children as defined in INA 101(b)(1), if physically residing with you;
- Any other individuals (including a spouse or child not physically residing with you) who are listed as dependents on your federal income tax return; and
- Any other individuals who list you as a dependent on their federal income tax return.

In Part 8, Item Number 63, you should check the appropriate box that corresponds to your household's annual income. You can include income that is provided to your household from sources that are not members of your household, such as alimony or child support. However, you must exclude income from certain sources, including Supplemental Security Income (SSI), Temporary Assistance for Needy Families (TANF), and state, tribal, territorial, or local cash benefit programs for income maintenance (also known as "General Assistance" in some states). Additionally, income from illegal activities or sources, such as proceeds from illegal gambling or drug sales, must also be excluded.

In Part 8, Item 64, you must check the appropriate box to indicate the total value of assets owned by your household. You must not include any assets acquired from illegal activities or sources, such as the

proceeds from illegal gambling or drug sales. Additionally, you may not include assets that are not owned by members of your household.

In Part 8, Item 65, you must check the appropriate box to indicate the total value of liabilities owed by members of your household, including both secured and unsecured liabilities. You must not include any liabilities that are not owed by members of your household.

For Part 8., Item Number 67., please list all of your certifications, licenses, skills obtained through work experience, and educational certificates. This includes but is not limited to your workforce skills, training, licenses for specific occupations or professions, foreign language skills, and certificates documenting mastery or apprenticeships in skilled trades or professions. Educational certificates are issued by an educational institution (or a training provider) and certify that an occupation specific program of study was completed.

If you respond affirmatively to Part 8., Item Number 68.a., then you must provide the dates of receipt and dollar amount received for public cash assistance for income maintenance in the table found in Part 8., Item Number 68.c. This must include Supplemental Security Income (SSI), Temporary Assistance for Needy Families (TANF), and State, Tribal, territorial, or local cash benefit programs for income maintenance (which are sometimes referred to as "General Assistance" in certain states, but may go by other names).

Please note that when completing Items 68.a. - 68.d. on Form I-485, you should only report public benefits that you have received in the past or are currently receiving at the time of filing, and where you are/were a listed beneficiary. These public benefits include public cash assistance for income maintenance and long-term institutionalization at government expense. Do not report any public benefits for which you are not listed as a beneficiary, even if you assisted with the application. Furthermore, do not include any benefits that you only applied for, were approved to receive in the future but have not yet received, or received only on behalf of another individual.

If you answer "Yes" to Part 8., Item Number 68.b., you will need to complete the table found in Part 8., Item Number 68.d. This table requires you to provide the name, city, and state of each institution in which you received long-term institutionalization at government expense. However, it is important to note that you should not report any institutionalization for short periods for rehabilitation purposes or imprisonment for conviction of a crime. If you believe that your institutionalization violated Federal law, including the American Disabilities Act or the Rehabilitation Act, you must submit documentation to support your claim.

To find additional information regarding the impact of receiving public benefits on public charge inadmissibility determinations, please refer to USCIS Policy Manual Volume 8, Part G, which can be accessed at <https://www.uscis.gov/policy-manual/volume-8-part-g>. Additionally, you may want to consult the Public Charge Resources web content located at <https://www.uscis.gov/green-card/green-card-processes-and-procedures/public-charge/public-charge-resources>.

**10. Part 10. Applicant's Statement, Contact Information, Declaration, Certification, and Signature.** You should indicate whether you read and completed the application yourself, or whether you had an interpreter assist you by selecting the appropriate box. If someone assisted you in completing the application, you should select the box indicating that you used a preparer. Additionally, you are required to sign and date the application, and provide your daytime telephone number, mobile telephone number (if applicable), and email address (if applicable). It is important to note that every application must contain



the signature of the applicant (or parent or legal guardian, if applicable). A stamped or typewritten name in place of a signature will not be accepted.

**11. Part 11. Interpreter's Contact Information, Certification, and Signature.** If you used an interpreter to assist you in reading the instructions and questions on the application in a language in which you are fluent, the interpreter must complete this section. The interpreter must provide their name, the name and address of their business or organization (if applicable), their daytime telephone number, their mobile telephone number (if any), and their email address (if any). Additionally, the interpreter must sign and date the application.

**12. Part 12. Contact Information, Declaration, and Signature of the Person Preparing this Application, if Other Than the Applicant.** Part 11 of the application must contain the signature of the individual who completed your application, if someone other than you, the applicant, completed it. If the same person acted as both your interpreter and preparer, they should complete both Part 11 and Part 12 of the application. If the person who assisted you in completing the application is associated with a business or organization, they should also provide the business or organization name and address information. It is mandatory for anyone who helped you complete the application to sign and date it. Please note that a stamped or typewritten name in place of a signature will not be accepted.

If the individual who helped you prepare the application is an attorney or accredited representative, they may also be required to submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, along with your application.

It is advisable to print or save a copy of your completed application for future reference and record-keeping purposes. We recommend reviewing your copy of the completed application before attending your biometric services appointment at a USCIS ASC. During your appointment, USCIS will only allow you to complete the application process if you are able to confirm, under penalty of perjury, that all of the information in your application was complete, true, and correct at the time of filing. If you cannot make that statement truthfully at the appointment, USCIS will require you to return for another appointment.

The evidence required to be submitted with your application may vary depending on the immigrant category under which you are filing. You should carefully review each type of evidence listed to determine if it applies to your particular case. Additionally, you should refer to the Additional Instructions section for more category-specific information.

It is important to note that you must submit all the evidence requested in these instructions along with your application. Failure to provide the required evidence or supporting documents may result in your application being rejected or denied by USCIS, in accordance with 8 CFR 103.2(b)(1) and these instructions.

Please note that failure to submit all the required evidence and documentation when filing Form I-485 may result in a delay in the processing of your application and any related applications based on Form I-485, such as Form I-765 (Application for Employment Authorization) or Form I-131 (Application for Travel Document).

If you are unable to provide the required primary evidence, such as a birth certificate or marriage certificate, you may provide secondary evidence, such as church or school records, if you can explain why the primary evidence is unavailable. In cases where you are unable to submit secondary evidence,

you may submit two or more affidavits that have been sworn to or affirmed by individuals who are not parties to the immigration benefit sought and who have direct personal knowledge of the event and circumstances. Additionally, you must provide an explanation for why both primary and secondary evidence are unavailable.

To complete your application, you must include two recent, identical color passport-style photographs of yourself. These photographs must have a white to off-white background and be printed on thin paper with a glossy finish. The photos must be unmounted and unretouched.

The required dimensions for the two color passport-style photographs are 2 by 2 inches. They must be in color with a full face, frontal view on a white to off-white background. The head height in the photograph should measure 1 to 1 3/8 inches from the top of the hair to the bottom of the chin, and the eye height should measure between 1 1/8 to 1 3/8 inches from the bottom of the photo.

It is important to note that your head must be bare in the photograph, unless you are wearing headwear as required by a religious denomination of which you are a member. On the back of each photo, lightly print your name and A-Number (if any) using a pencil or felt pen. For examples of acceptable passport-style photographs, you may visit the DOS website at <https://travel.state.gov/content/travel/en/passports/how-apply/photos.html>.

As a part of your application, it is required that you submit a photocopy of a government-issued identity document that includes a photograph of yourself. The most common document that satisfies this requirement is your passport or a similar document, even if the passport is currently expired. However, any other government-issued identity document, such as a drivers license or military identification document, may also be used.

All Form I-485 applicants, with the exception of refugees and asylees, are required to submit a photocopy of their birth certificate that has been issued by the appropriate civil authority from the country of their birth. USCIS will only accept a long-form birth certificate that lists at least one parent.

If you are a refugee or an asylee, you are not required to submit a photocopy of your birth certificate. However, if your birth certificate is available, it is recommended that you submit a copy of it.

In cases where your birth certificate is unavailable or does not exist, you must provide acceptable alternative evidence of birth and prove its unavailability or nonexistence. (Note that refugees and asylees do not need to prove the unavailability or nonexistence of their birth certificate.)

You may check whether birth certificates are known to be unavailable or nonexistent in your country of birth by visiting the following website: <https://travel.state.gov/content/travel/en/us-visas/Visa-Reciprocity-and-Civil-Documents-by-Country.html>.

If the website shows that birth certificates from your country of birth are generally unavailable or nonexistent, you do not need to take any further steps to prove the unavailability or nonexistence of your birth certificate.

However, if the website does not indicate that birth certificates from your country of birth are generally unavailable or nonexistent, you must submit an original document from the relevant governmental authority that explains why your birth record does not exist and whether similar records for the time and

place of your birth are available. This document must be submitted in the original form and in the official language of the issuing government. If the document is not in English, you must provide a certified English translation.

If you are unable to provide a birth certificate or if it does not exist, you must provide alternative evidence that is acceptable and pertains to your birth, such as records from your church or school, medical or hospital records, personal affidavits, or other similar documents.

Except for those applying under INA section 245(i), it is typically required for Form I-485 applicants to include photocopies of documents proving that they were inspected by an immigration officer and either admitted or paroled into the United States. However, certain applicants, including registry applicants, asylees, VAWA self-petitioners, special immigrant juveniles, T nonimmigrants applying under INA section 245(l), U nonimmigrants applying under INA section 245(m), and individuals born under diplomatic status in the United States, do not need to provide documentation of inspection and admission or parole.

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

To prove your most recent arrival into the United States, you should provide evidence such as copies of the following documents, if available:

- A. The page of your passport with the admission or parole stamp that was issued by a U.S.
- B. The page of your passport with the nonimmigrant visa; and
- C. Your Form I-94 Arrival-Departure Record (for more information, please refer to the Form I-94 Arrival-Departure Record in the General Instructions section of these Instructions).

To prove your most recent arrival into the United States, you should provide evidence such as copies of the following documents, if available:

- A.** The page of your passport with the admission or parole stamp that was issued by a U.S.
- B.** The page of your passport with the nonimmigrant visa; and
- C.** Your Form I-94 Arrival-Departure Record (for more information, please refer to the Form I-94 Arrival-Departure Record in the General Instructions section of these Instructions).

If you are unable to provide the primary evidence of admission or parole into the United States, and DHS has no record of it, then USCIS will assume that you entered the country without admission or parole. However, you may still provide secondary evidence to support your claim, which can be any record maintained by an individual or organization other than DHS. If no such evidence is available, you may submit signed written statements, under penalty of perjury, from yourself and others who have personal knowledge of your claimed admission or parole. These statements should provide detailed information about when and where you entered the United States, what travel documents you had (if any), whether you showed them to the immigration inspector, any questions asked by the immigration inspector, and any other relevant details about your claimed admission or parole.

As a Form I-485 applicant, it is mandatory to submit evidence that shows you are eligible for adjustment of status under a specific immigrant category.

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

If you are applying as a beneficiary of an immigrant petition, you will generally need to provide a photocopy of Form I-797, Approval Notice, for your petition (or the primary applicants petition if you are a derivative applicant), as appropriate.

In case you are the principal applicant and your immigrant category permits filing Form I-485 before the approval of your petition, you can file your Form I-485 with:

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

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

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

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

In case your Form I-485 is based on a category that does not mandate an underlying immigrant petition, you are required to provide alternative documentation. Kindly refer to the Additional Instructions for more information specific to your category.

For derivative applicants filing Form I-485 as the spouse of the principal applicant, a copy of the marriage certificate issued by the civil authority where the marriage occurred is typically required, unless the derivative applicant is a refugee. However, certain immigrant categories such as K-1 nonimmigrants, abused spouses and children under the Cuban Adjustment Act and Haitian Refugee Immigration Fairness Act, and abused spouses and children under HRIFA may require the principal applicant to submit a marriage certificate. More specific information about required documentation for each category can be found in the Additional Instructions.

In case either party to the marriage has a history of a previous marriage, you must also submit legal termination evidence of any prior marriages, such as a divorce certificate or death certificate. If a required marriage certificate (or divorce certificate or death certificate) is not available, you must prove its unavailability or nonexistence and provide other acceptable evidence as explained earlier for birth certificates.

If you are filing as a derivative applicant child of the principal applicant and your birth certificate does not establish that the principal applicant is your parent, you must submit a photocopy of your parents marriage certificate, adoption certificate, or other proof of your parent-child relationship with the principal

applicant. However, refugee derivative applicant children do not have to provide evidence of the parent-child relationship with the principal applicant.

- 7 Evidence of Continuously Maintaining a Lawful Status Since Arrival in the United States  
Applicants who are filing under certain immigrant categories such as family-based or employment-based preference categories, special immigrant religious workers, Afghan or Iraqi nationals, international broadcasters, and selectees under the Diversity Visa Lottery program, must provide evidence to prove that they have continuously maintained lawful immigration status while residing in the United States. This is necessary to show that they are not barred from adjusting their status under INA section 245(c)(2).

- A. Form I-797 approval notices for all extensions and changes of nonimmigrant status;
- B. Form I-94 Arrival-Departure Record, including printouts of paperless I-94 admissions;
- C. Form I-20, Certificate of Eligibility for Nonimmigrant (F-1) Student Status - For Academic and Language Students, or Form I-20, Certificate of Eligibility for Nonimmigrant (M-1) Student Status - For Vocational Students, including all pages containing notations by authorized school officials;
- D. Form DS-2019 (formerly IAP 66), Certificate of Eligibility for Exchange Visitor (J-1) Status, including all pages containing notations by authorized exchange visitor program officials; or
- E. Passport page with an admission or parole stamp (issued by a U.S. immigration officer)

You must provide evidence of each entry to the United States and periods of stay in the country. Please refer to the Additional Instructions to determine if your specific immigrant category requires such evidence.

If you are an employment-based first, second, or third preference applicant or a special immigrant religious worker under the fourth preference and believe that you are exempted from this bar by INA section 245(k), you must provide evidence that proves your eligibility for this exemption. Further details can be found at [www.uscis.gov/green-card/green-card-processes-and-procedures/adjustment-status](http://www.uscis.gov/green-card/green-card-processes-and-procedures/adjustment-status) .

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

**A. Affidavit of Support**

Submit an Affidavit of Support (Form I-864) if your Form I-485 is based on your entry as a fiancé(e), a relative visa petition (Form I-130) filed by your relative, or an employment-based visa petition (Form I-140) related to a business that is five percent or more owned by your family.

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

If your Form I-485 application is connected to an employment-based visa petition filed in an employment-based immigrant visa category that necessitates a job offer, and you are submitting Form I-485 after your employer filed the Form I-140 on your behalf, then you are required to file Form I-485 Supplement J,

Confirmation of Bona Fide Job Offer or Request for Job Portability under INA Section 204(j) (Supplement J), along with your Form I-485. You can find further details about this requirement in the instructions to Supplement J. However, if you are submitting Form I-485 along with a Form I-140 filed on your behalf, then there is no need to file Supplement J at this time. Nonetheless, USCIS may ask you to submit Supplement J at any point during the adjudication process.

NOTE: Applicants who are either seeking or have been granted a National Interest Waiver or classification as an alien of extraordinary ability under INA section 203(b)(1)(A) are not required to file Supplement J. This is because these employment-based immigrant visa categories are not tied to a specific job offer. Therefore, individuals seeking or granted classification under these categories do not need to file Supplement J when submitting Form I-485 or requesting job portability under INA section 204(j). If you have filed Form I-140 as a self-petitioner, you must intend to work in the occupational field specified in the Form I-140 and provide a signed statement confirming this intent, unless you are filing Form I-485 together with your Form I-140.

Job Portability. After filing Form I-485, if it remains pending for 180 days or more with USCIS, you may be eligible to change to a different job than the one offered in the Form I-140. However, the new job must be a permanent, full-time position in the same or a similar occupational category as the one offered in the Form I-140 that forms the basis of your Form I-485. To request job portability, you must file Supplement J. For more information on this process, refer to the instructions for Supplement J or visit the USCIS website at [www.uscis.gov](http://www.uscis.gov).

#### 9. Evidence of Financial Support

As a general rule, you must demonstrate that you can support yourself financially and are unlikely to become a burden on public resources as a lawful permanent resident in the United States. Immediate relatives and family-based adjustment applicants, including those who have been petitioned with Form I-129F or Form I-130, are usually required to submit Form I-864. Certain employment-based applicants are also required to submit Form I-864, Affidavit of Support Under Section 213A of the Act, if their petition was filed in relation to specific employment-based immigrant visa categories, whether they are beneficiaries of Form I-140, Immigrant Petition for Alien Worker, or Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant. Instructions for Form I-864 provide guidance on when it is required and whether exemptions are available. If you are exempt from the Affidavit of Support requirement, you may be required to file Form I-864W, the Intending Immigrant's Affidavit of Support Exemption. For more information about Form I-864 requirements or the Form I-864W, you may visit [www.uscis.gov/i-864](http://www.uscis.gov/i-864) or [www.uscis.gov/i-864w](http://www.uscis.gov/i-864w). If you would like to know more about how receipt of public benefits could impact USCIS's assessment of your likelihood to become a public charge, you may also visit [www.uscis.gov](http://www.uscis.gov).

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

All applicants filing Form I-485 for adjustment of status are obligated to undergo a medical examination to demonstrate that they do not have any medical conditions that would render them inadmissible, except for registry applicants and individuals born under diplomatic immunity in the United States. In case you are applying for Form I-485 under the nonimmigrant fiancé(e), asylee, or refugee category, you should refer to the Form I-693, Report of Medical Examination and Vaccination Record, Instructions to verify whether you need to submit the full Form I-693 or only specific parts, as you may have already undergone a medical examination abroad.

To be eligible for adjustment of status, Form I-485 applicants must undergo a medical examination to show that they do not have any health conditions that would make them inadmissible. This examination must be performed by a USCIS-designated civil surgeon in the United States, and the results must be documented on Form I-693. While it is not required to submit Form I-693 when filing the adjustment application, it can be submitted later to avoid having to repeat the examination. If an interview is required, Form I-693 can also be submitted in person at a USCIS field office. For more information on Form I-693 requirements, visit [www.uscis.gov/i-693](http://www.uscis.gov/i-693).

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

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

**A.** If you were EVER arrested or detained by a law enforcement officer for any reason anywhere in the world, including the United States, and no criminal charges were filed, you must submit:

1. An original or certified copy of the complete arrest report; and
2. Either an official statements by the arresting or detaining agency or prosecutor's office OR an applicable court order that indicates the final disposition of your arrest or detention;

**B.** If you have ever been charged for any reason, regardless of whether you were arrested or not, anywhere in the world, including the United States, you must provide the following:

An original or certified copy of the complete arrest report.

Certified copies of both the indictment, information, or other formal charging document and the final disposition of each charge, such as a dismissal order or acquittal order.

**C.** If at any point in your life, anywhere in the world including the United States, you have been convicted or placed in a rehabilitative program such as probation, drug treatment, deferred adjudication or community service program, you are required to submit the following:

1. An original or certified copy of the complete arrest report;
2. Certified copies of the formal charging document, such as the indictment or information, any plea agreement, and the final disposition for each incident. This includes conviction records, deferred adjudication orders, or probation orders;
3. Either an original or certified copy of your probation or parole record indicating that you have completed the mandated sentence or the conditions set for the deferred adjudication or rehabilitative program, or documentation proving that you have completed the alternative sentencing or rehabilitative program.

**D.** If you have ever had an arrest or conviction removed from your record through actions such as vacating, setting aside, sealing, expunging, or other means, you must provide the following documents:

- 1 An original or certified copy of the complete arrest report, the indictment, information, or other formal charging document, any plea agreement, whether in the form of a court filing or recording in a hearing

transcript, and the final disposition for each incident (such as conviction record, deferred adjudication order, probation order).

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

You are required to disclose any arrests or charges, even if they occurred when you were a minor. It is important to note that an adjudication of juvenile delinquency is not considered a conviction under U.S. immigration law, but if you were charged as an adult for an offense committed as a minor, it will be considered a conviction regardless of whether the trial was held in a criminal or juvenile court. Additionally, an adjudication of juvenile delinquency may be relevant to the discretion exercised in your case. If you claim that an arrest resulted in adjudication of delinquency and not a conviction, you must provide a copy of the court document that establishes this fact.

Generally, you are not required to provide documentation regarding traffic fines and incidents that did not lead to an actual physical arrest if the penalty was only a fine of less than \$500 or points on your driver's license. However, you must provide such documentation if the traffic incident resulted in criminal charges or involved alcohol, drugs, or injury to a person or property.

If it is not possible for you to obtain certified copies of court dispositions related to Items 11.A. - 11.D., you should submit:

**A.** an explanation for why the documents are not available. This explanation may include a certificate from the custodian of the documents explaining the unavailability of the documents.

**B.** Alternatively, you may provide any available secondary evidence that shows the disposition of the case. If secondary evidence is also unavailable, you may submit one or more written statements signed under penalty of perjury by someone who has personal knowledge of the disposition.

## **12. Waiver of Inadmissibility**

If you are found to be inadmissible to the United States based on any of the reasons outlined in INA section 212(a), you will not be eligible for adjustment of status unless you meet the requirements for a waiver of inadmissibility or other forms of relief. The decision to grant a waiver or other relief depends on the specific grounds of inadmissibility that apply to you and the particular immigrant category that you are applying under.

If USCIS or the Immigration Court (in case you are in deportation, exclusion, or removal proceedings) finds that you do not meet any of the grounds of inadmissibility, then you are eligible for admission to the United States, and there is no requirement for you to seek a waiver of inadmissibility or any other form of relief.

In case USCIS (or the Immigration Court, if you are in deportation, exclusion, or removal proceedings) finds that you are subject to a ground of inadmissibility, you might need to request a waiver or another form of relief to overcome the inadmissibility.

If you are inadmissible and need to seek a waiver or other form of relief, you can find more information on the process by referring to the instructions for the appropriate form. For example, the Instructions for Form I-601 provide guidance on seeking a waiver of grounds of inadmissibility, which can be found at



[www.uscis.gov/I-601](http://www.uscis.gov/I-601). If you have been deported or removed from the United States and wish to reapply for admission, you may need to file Form I-212, Application for Permission to Reapply for Admission into the United States After Deportation or Removal, and can find instructions at [www.uscis.gov/I-212](http://www.uscis.gov/I-212). For refugee and asylee applicants seeking adjustment of status, Form I-602, Application by Refugee for Waiver of Grounds of Excludability, provides information on seeking a waiver and can be found at [www.uscis.gov/I-602](http://www.uscis.gov/I-602).

**13. Documentation Regarding J-1 or J-2 Exchange Visitor Status** If you have held or currently hold J-1 (principal) or J-2 (dependent) nonimmigrant exchange visitor status, you are required to provide copies of all relevant Forms IAP-66 and/or Forms DS-2019, which certify your eligibility for J-1 status, issued to you. Additionally, you must provide copies of all available J-1 or J-2 nonimmigrant visas issued to you, and copies of all available Form I-94 and passport pages that show your admission to the United States in J-1 or J-2 status.

If you were subject to the 2-year foreign residence requirement of INA section 212(e) during your J status, you need to provide documentation demonstrating that you have met the requirement, received a waiver of the requirement prior to submitting Form I-485, or obtained a favorable waiver recommendation letter from the Department of State (DOS). To satisfy the requirement, you must provide evidence that you lived in your home country for at least two years after the conclusion of your exchange visitor program. To learn more about the waiver process, refer to the Instructions for Form I-612, Application for Waiver of the Foreign Residence Requirement.

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

If you are currently in the United States and hold A, G, or E nonimmigrant status that grants you certain diplomatic privileges and immunities, you must submit Form I-508 (Application for Waiver of Rights, Privileges, Exemptions and Immunities), along with Form I-508F for French nationals, along with your Form I-485 application. Additionally, if you are in the United States and hold A, G, or NATO nonimmigrant status, you must file Form I-566 (Interagency Record of Request - A, G or NATO Dependent Employment Authorization or Change/Adjustment to/from A, G or NATO Status), along with your Form I-485 application.

**15. Evidence relating to the Public Charge Ground of Inadmissibility**

In general, applicants for adjustment of status are not required to provide any initial evidence related to the public charge ground of inadmissibility with their application, except for one exception. However, if an applicant believes that their institutionalization violated federal law such as the American Disabilities Act or the Rehabilitation Act, they must submit supporting documents. If USCIS requires further evidence to determine whether an applicant is inadmissible under the public charge ground of inadmissibility, they will issue a Request for Evidence and consider all evidence provided in response.

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

If you are 13 years of age or younger and:

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

A biometric services fee of \$85 is also required for applicants between 14 and 79 years of age.

Individuals who are 79 years old or older are exempt from paying the biometric services fee, but they are still required to attend the scheduled biometrics collection appointment. Similarly, applicants who are 13

years old or younger are not required to pay the biometric services fee, but they must still attend their appointment. However, if a person turns 14 years old while their application is still pending, they will be required to pay the \$85 biometric services fee before their application can be processed. If an applicant falls under certain criteria, they may also be exempt from paying both the Form I-485 filing fee and the biometric services fee if:

1. If you are a refugee adjusting status under INA section 209(a), you are automatically exempt from paying the Form I-485 filing fee and biometric services fee, and there is no requirement for you to demonstrate an inability to pay.
2. If you believe you qualify for a fee waiver based on your inability to pay, you can complete Form I-912 or a written request and submit it along with any required evidence of your inability to pay the filing fee with this application. The fee waiver guidance is available at [www.uscis.gov/feewaiver](http://www.uscis.gov/feewaiver).
3. If you are in deportation, exclusion, or removal proceedings before an Immigration Judge, the Immigration Judge may waive your application fee under 8 CFR 1003.24. To request a fee waiver, file a written request with the Immigration Judge, along with any required evidence of your inability to pay the filing fee. The Immigration Court Practice Manual at <https://www.justice.gov/eoir/eoir-policy-manual> provides additional information on filing a request for a fee waiver.

NOTE: The fees you pay for filing and biometric services are non-refundable, even if USCIS (or an Immigration Judge in case of deportation, exclusion, or removal proceedings) takes any action on your application. It is important to avoid sending cash and to make sure that you submit the exact amounts of fees required.

When preparing your checks or money orders for the Form I-485 filing fee and biometric services fee, adhere to the following guidelines:

1. The check or money order must be drawn on a bank or financial institution situated within the United States and payable in U.S. currency; and

When preparing your checks or money orders for the Form I-485 filing fee and biometric services fee, please follow these guidelines:

1. The check or money order must be drawn from a bank or other financial institution located in the United States and payable in U.S. currency.
2. Make the checks or money orders payable to "U.S. Department of Homeland Security". Do not use the initials "USDHS" or "DHS."

Please note that if you send us a check, USCIS will convert it into an electronic funds transfer (EFT). This means that we will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually take 24 hours and will appear on your bank statement.

You will not receive your original check back. We will destroy it and keep a copy of it. If USCIS cannot process the EFT for technical reasons, we will process the copy in place of your original check. If your check is returned as unpayable, we will re-submit the payment to the financial institution one time. If the

check is returned as unpayable a second time, we will reject your application and charge you a returned check fee.

#### How To Check If the Fees Are Correct

To ensure the accuracy of the filing fee and biometric services fee, you may use one of the following methods as USCIS fees may change periodically:

1. Go to the USCIS website at [www.uscis.gov](http://www.uscis.gov) and select "FORMS" to check the appropriate fee.
2. Contact the USCIS Contact Center at 1-800-375-5283 to ask for fee information. If you are deaf or hard of hearing, use TTY by calling 1-800-767-1833.

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

If you have filed Form I-485 and paid the required fees, you may also file Form I-765 and Form I-131 without paying additional fees. You can file these forms together, or if you decide to file them separately, you must include a copy of your I-797C, Notice of Action receipt as proof that you filed and paid for Form I-485.

For the most up-to-date information on where to file your Form I-485 application, please visit the USCIS website at [www.uscis.gov/i-485](http://www.uscis.gov/i-485) or contact the USCIS Contact Center at 1-800-375-5283. If you are deaf or hard of hearing, you may call the TTY line at 1-800-767-1833.

If you are currently in proceedings in the Immigration Court, indicated by receipt of Form I-221, Form I-122, Form I-862, or Form I-863 from the U.S. Department of Homeland Security (DHS), file your Form I-485 with the corresponding Immigration Court. The DHS attorney will provide you with instructions on background and security investigations. You must also submit a copy of your application to USCIS. For information on where to file the copy of your application filed with the Immigration Court, visit our website at [www.uscis.gov/laws/immigration-benefits-eoir-removal-proceedings](http://www.uscis.gov/laws/immigration-benefits-eoir-removal-proceedings) or contact the USCIS Contact Center for the most up-to-date information.

It is required for an applicant who is not a U.S. citizen to inform USCIS about their new address within ten days of moving from their previous residence. You can find information on how to file a change of address on the USCIS website at [www.uscis.gov/addresschange](http://www.uscis.gov/addresschange) or contact the USCIS Contact Center at 1-800-375-5283. For TTY (deaf or hard of hearing) call: 1-800-767-1833.

If you are in proceedings in Immigration Court, you must also submit the EOIR Form 33/IC, Alien's Change of Address Form/Immigration Court, to notify the Immigration Court of any address changes within five days of the move. You can download the EOIR Form 33/IC from the EOIR website at [www.justice.gov/eoir/formslist.htm](http://www.justice.gov/eoir/formslist.htm).

**NOTE:** Avoid sending requests for change of address to the USCIS Lockbox facilities as they are not equipped to handle such requests.

To file this application, you must be physically present in the United States and provide a current address within the United States.

If your Form I-485 is not signed or if the correct filing fee is not submitted, USCIS will reject the application and notify you that it is incomplete. You will then have the opportunity to correct the errors

and resubmit the form. It is important to note that USCIS will only consider your Form I-485 as properly filed once it has been accepted by USCIS.

**Initial Processing.** Once USCIS accepts your application, it will undergo an initial processing stage to ensure that it is complete. If the application is not filled out completely, it will not establish the basis for your eligibility and USCIS may reject or deny your application.

**Requests for More Information.** If deemed necessary, USCIS or the Immigration Court may ask you to provide additional information or evidence to support your application. In such cases, you may also be asked to provide original copies of any documents you have submitted. If USCIS or the Immigration Court requests an original document from you, it will be returned to you after it is determined that it is no longer required.

**Requests for Interview.** As part of the processing of your application, USCIS may require you to appear for an interview at one of its offices. During this interview or any other appearance, USCIS may ask you to provide your fingerprints, photograph, and/or signature to verify your identity and/or update background and security checks.

**Decision.** After reviewing your Form I-485, USCIS will make a decision on whether or not you have met the eligibility requirements for the immigration benefit you are applying for. You will receive a written notice from USCIS informing you of the decision.

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

If your pending Form I-485 application is for adjustment of status under INA section 245, traveling outside the United States, including brief visits to Canada or Mexico, will result in a denial of your application by USCIS unless:

- 1.** You have obtained a grant of advance parole before leaving the United States by filing Form I-131, you leave and return to a U.S. port of entry while the Advance Parole Document is valid, and you are paroled into the United States upon your return; or
- 2.** You are maintaining lawful nonimmigrant status as an H, L, V, or K3/K4 nonimmigrant and return with a valid H, L, V, or K3/K4 nonimmigrant visa.

For those applying for adjustment of status under INA section 209 as a refugee or asylee, traveling abroad and returning to the United States is allowed with a refugee travel document obtained by filing Form I-131. However, there is a travel warning regarding voluntary re-availment which should be reviewed in the Form I-131 instructions.

If applying for registry under INA section 249 and 8 CFR 249, traveling abroad while the application is pending does not abandon the registry application. However, if you don't obtain an Advance Parole Document, it may not be possible to return lawfully to the United States. You may file Form I-131 to obtain an Advance Parole Document as specified in the instructions.

USCIS is dedicated to ensuring that qualified individuals with disabilities and impairments are able to fully participate in USCIS programs and benefits by providing reasonable accommodations. These accommodations are tailored to each disability or impairment and may involve adjustments to practices or procedures. There are different types of reasonable accommodations that USCIS may provide, including but not limited to:

1. Sign-language interpretation services for individuals who are deaf or hard of hearing during interviews or other immigration-related appointments;
2. Oral testing in lieu of written tests for individuals with low vision or blindness; and
3. Home or hospital visits by USCIS for individuals who cannot travel to a designated USCIS location for an interview.

In Part 9 of the application, Item Numbers 2.a. - 2.c., you can indicate any applicable box that describes the nature of your disabilities and/or impairments, and select "Yes" if you need USCIS to accommodate your disability and/or impairment. On the lines provided, describe the types of accommodations you are requesting, including the need for a sign-language interpreter and the language required. If you require additional space, use Part 14. Additional Information.

Please note that all domestic USCIS facilities comply with the Accessibility Guidelines of the Americans with Disabilities Act, so physical access accommodations for a domestic USCIS office are not necessary. However, in Part 9., you can indicate whether you use a wheelchair to help USCIS better prepare for your visit.

NOTE: USCIS follows the law to ensure that individuals with limited English proficiency are provided with meaningful access at an interview or any immigration benefit-related appointment. LEP individuals can bring a qualified interpreter to the interview.

USCIS reviews requests for reasonable accommodations on an individual basis and makes efforts to accommodate disabilities and/or impairments. The agency will not deny your application or exclude you from participating in USCIS programs due to disabilities and/or impairments. Receiving reasonable accommodation will not impact your eligibility for immigration benefits.

For hearings before the Immigration Court: If you have a disability or impairment, the Immigration Court will make an effort to address your needs. Before your first hearing with an immigration judge, it is important that you notify the court of any such need. The Immigration Court will consider all requests on a case-by-case basis.

If your command of the English language is not sufficient to fully understand and participate in the removal proceedings, the government will provide an interpreter at no cost to you. The Immigration Court aims to accommodate the language needs of all respondents and witnesses. An interpreter will be provided during the individual calendar hearing and, if needed, the master calendar hearing.

To obtain the most recent version of this application, go to [www.uscis.gov](http://www.uscis.gov), where you can get the newest USCIS forms and information related to immigration. If you don't have internet access, you can call the USCIS Contact Center at 1-800-375-5283 to request USCIS forms.

If you prefer not to wait in line at your local USCIS office, you can schedule an appointment online by going to [www.uscis.gov](http://www.uscis.gov), selecting "Tools," then selecting "Appointments" under "Self Service Tools," and following the prompts to schedule your appointment. The system will generate an appointment notice for you after you have scheduled your appointment.

Providing false information or submitting false documents with your Form I-485 is a serious offense. If

you do so knowingly and willfully, USCIS will deny your Form I-485 and may also deny any other immigration benefit. You may also face severe penalties as provided by law and may be subject to criminal prosecution.

When you sign this application, you are declaring under the penalty of perjury (28 U.S.C. section 1746) that all the information and documents provided with the application are accurate, truthful, and complete. By signing, you also give consent to USCIS to release any necessary information from your records to verify your eligibility for the requested immigration benefit.

DHS has the legal authority to verify any information submitted by you to establish eligibility for the immigration benefit, which includes 8 U.S.C. 1101 et seq, 8 CFR parts 1.1 et seq, as amended, and related public laws and regulations. To ensure compliance with the applicable laws and authorities, USCIS may verify your information before or after your case is decided. If you knowingly provide false information or conceal any material fact, USCIS may deny your application for immigration benefits and may deny any other immigration benefit for which you may be eligible.

USCIS may use various methods to verify the information you provide, such as checking public records, contacting you via different means including electronic communication and physical site inspections of your home and workplace. USCIS will use the information obtained from the verification process to determine your eligibility for the immigration benefit and ensure compliance with the law.

If USCIS discovers any adverse or derogatory information through this process, you will be given a chance to address it after a decision has been made on your case or if the agency initiates an adverse action that may lead to the termination of your lawful permanent resident status, subject to the limitations set forth in 8 CFR 103.2(b)(16).

**AUTHORITIES:** The collection of information and associated evidence requested on this application is authorized by the Immigration and Nationality Act (INA) sections 101 et seq., as amended, and related public laws and regulations.

**PURPOSE:** The purpose of requesting this information is to determine whether the applicant is eligible to adjust status to that of a permanent resident of the United States or register permanent residence. The information provided will be used by DHS to grant or deny the application for adjustment of status to lawful permanent resident.

**DISCLOSURE:** The provision of information requested on this application is voluntary. However, if you fail to provide the requested information or evidence, it may cause delays in the processing of your case or result in the denial of your application.

**ROUTINE USES:** The information you provide on this application may be shared by DHS with other government agencies and authorized organizations at the federal, state, local, or foreign levels. DHS follows approved routine uses described in the associated published system of records notices [DHS/USCIS-007 - Benefits Information System and DHS/USCIS-001 - Alien File, Index, and National File Tracking System of Records], which can be found at [www.dhs.gov/privacy](http://www.dhs.gov/privacy). DHS may share the information for law enforcement purposes or in the interest of national security as appropriate.

A valid Office of Management and Budget (OMB) control number must be displayed for an agency to conduct or sponsor an information collection. Responding to this collection of information is voluntary, but failure to provide the required information may result in a delayed or denied application. The estimated public reporting burden for this collection of information is 7 hours and 10 minutes per response, which includes time for reviewing instructions, gathering required documents and information, completing the application, preparing statements, attaching necessary documentation, and submitting the application. The collection of biometrics is estimated to require an additional 1 hour and 10 minutes. Comments regarding the burden estimate or any other aspect of this information collection may be sent to the U.S. Citizenship and Immigration Services at the address provided, but completed Form I-485 should not be mailed to this address. Suggestions for reducing the burden of this collection of information are also welcome.

I have signed Form I-485 in Part 10., Item Number 6.a.

I have included the appropriate filing fee and biometric services fee (if applicable), if not exempted or waived. ,

I have read these Instructions and the following Additional Instructions (if any) relating to my specific immigrant category.

I have included all of the required documentation listed in these Instructions and in the following Additional Instructions (if any) relating to my specific immigrant category

These supplementary instructions aim to provide more detailed information on each category of immigrants. You are required to carefully read the specific additional instructions that correspond to your immigrant category, in addition to the general instructions provided for Form I-485. If there are no additional instructions for your particular immigrant category, it is because they are not applicable.

Immediate relative of a U.S. citizen (Form I-130, Petition for Alien Relative) Immediate relatives of U.S. citizens include the following relatives of U.S. citizens: spouses, unmarried children under 21 years of age, and parents (if the U.S. citizen is 21 years of age or older).

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

Immediate relatives always have a visa available once Form I-130 is approved. Derivative applicants are not allowed in this category.

The family-based preference categories on Form I-130 include relatives of U.S. citizens and lawful permanent residents, such as unmarried sons and daughters over 21 years of age of U.S. citizens, spouses, unmarried children under 21 years of age, and unmarried sons and daughters over 21 years of age of lawful permanent residents, married sons and daughters of U.S. citizens, and brothers and sisters of U.S. citizens over 21 years of age. Applicants under this category who have an available visa do not need to wait for Form I-130 approval before filing Form I-485. They can file both forms together, while the Form I-130 is pending or after it is approved. If a visa is not immediately available, Form I-485 can only be filed after Form I-130 approval and visa availability. Additional information can be found in the When Should I File Form I-485 section.

Person admitted to the United States as a fiancé(e) or child of a fiancé(e) of a U.S. citizen (Form I-129F) (K-1/K-2 nonimmigrant)

Form I-129F nonimmigrant fiancé(e) beneficiaries typically have an available visa, but are only permitted to file Form I-485 after marrying the U.S. citizen (Form I-129F petitioner) within 90 days of entering the United States on a K-1 visa. Along with the evidence specified in the What Evidence Must You Submit with Form I-485 section, a copy of the marriage certificate must be provided as proof that the K-1 nonimmigrant fiancé(e) was wed to the U.S. citizen (Form I-129F petitioner) during the 90-day period. This additional requirement is applicable to both K-1 primary and K-2 dependent applicants.

In the event that your spouse, who was a U.S. citizen at the time of death, has passed away, you may be qualified to submit Form I-485 as the widow(er). If your deceased spouse did not submit Form I-130 on your behalf prior to death, you may apply for Form I-360 provided you submit it within two years of your spouses demise. You can file Form I-485 simultaneously with Form I-360, while your Form I-360 is pending, or after your Form I-360 has been approved, as it is not necessary to wait for Form I-360 approval. Widow(er)s always have a visa available once Form I-360 is approved.

It is possible that your deceased citizen spouse had already filed Form I-130 for you before their death. In this scenario, you may file Form I-485 while Form I-130 is pending or after it has been approved. In the event that Form I-130 is approved, it will be considered equivalent to an approved Form I-360.

When submitting your Form I-485, make sure to include a copy of the Form I-797 Approval Notice or Receipt for the Form I-130 that was filed on your behalf, or the Form I-360 that you filed (unless you are submitting Form I-360 together with your Form I-485). More information can be found in the When Should I File Form I-485 section above.

If you have been a victim of battery or extreme cruelty inflicted by a U.S. citizen or lawful permanent resident who is your spouse (or former spouse) or parent, or if you have been subjected to battery or extreme cruelty by a U.S. citizen who is your son or daughter and is at least 21 years of age, you are eligible to file under this category. As a VAWA self-petitioner, you are entitled to special confidentiality protections as outlined in 8 U.S.C. section 1367.

8 U.S.C. section 1367 provides two critical forms of protection for VAWA self-petitioners. The first is a ban on any unfavorable determinations against the victim solely based on information provided by their abuser or other prohibited sources. The second form of protection is a prohibition on disclosure of any information about the victim to third parties, with the exception of certain very limited circumstances.

If a visa is readily available, VAWA self-petitioners applying for immigration benefits are not required to wait for Form I-360 approval before filing Form I-485. If a visa is immediately available, you can file Form I-485 concurrently with your Form I-360, while your Form I-360 is pending, or after your Form I-360 has been approved. If a visa is not immediately available, you can only file your Form I-485 after your Form I-360 has been approved and a visa is available. For more information, please refer to the When Should I File Form I-485 section above.

NOTE: Individuals applying for adjustment of status based on the Violence Against Women Act (VAWA) are not required to submit an Affidavit of Support. However, each applicant must include Form I-864W with their adjustment application.

NOTE: USCIS will not accept requests for Change of Address submitted online, mailed to USCIS Lockbox facilities, or through telephonic requests at the USCIS Contact Center for adjustment of status applications filed by VAWA self-petitioners.



To obtain information on filing a change of address, please visit the USCIS website at [www.uscis.gov/addresschange](http://www.uscis.gov/addresschange), or contact the USCIS Contact Center at 1-800-375-5283. For TTY (deaf or hard of hearing), please call: 1-800-767-1833.

### **Derivative Applicants**

Children of primary applicants may apply as derivative applicants. However, it is not permissible to apply as a derivative applicant if the primary applicant is a self-petitioning parent of an abusive U.S. citizen son or daughter.

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

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

If a visa is readily available, individuals applying under the employment-based preference immigrant category do not need to wait for Form I-140 approval before submitting Form I-485. If a visa is immediately available, you can submit your Form I-485 concurrently with your Form I-140, while your Form I-140 is pending, or after your Form I-140 has been approved. If a visa is not immediately available, you can only file your Form I-485 after your Form I-140 has been approved and a visa is available. For further details, please refer to the When Should I File Form I-485 section above.

**Evidence of Financial Support** Generally speaking, if you are submitting Form I-485 based on employment, you are not required to submit Form I-864, Affidavit of Support under Section 213A of the Act. However, if your Form I-140 was submitted by a U.S. citizen or lawful permanent resident relative or by a for-profit entity where a relative who is a U.S. citizen or lawful permanent resident owns 5% or more of the entity, then you are required to submit Form I-864. In this context, "relative" refers to a U.S. citizen or lawful permanent resident who is your spouse, parent, child, adult son, adult daughter, or a U.S. citizen who is your sibling.

### **Request for Job Portability**

If you have appropriately submitted Form I-485 and it is still pending with USCIS for 180 days or more after submission, you may be qualified to "port" to a different job than the one offered in Form I-140 under the authority of INA section 204(j). To be eligible for job portability, the new job offer must be for a permanent, full-time position in the same or similar occupational classification as the job offered in the Form I-140 that serves as the basis of your Form I-485.

To request job portability, you should send a typed or printed request to USCIS that includes a letter from the new employer with details about the new job and any other documentation necessary to demonstrate eligibility for portability. For further information, please visit the USCIS website at [www.uscis.gov](http://www.uscis.gov).

### **National Interest Waiver (NIW) Physicians**

Individuals who have worked as full-time physicians for a total of five years (excluding work during J-1 status) in a designated medical shortage area or at a Veterans Administration healthcare facility may be eligible for a National Interest Waiver (NIW) if a Federal agency or state department of public health has determined that such work is in the public interest.

To obtain approval for Form I-485 as an NIW physician, it is necessary to submit evidence demonstrating the completion of the full five years of required employment. USCIS will not approve the application until this evidence has been submitted, and it must be done so within 120 days of fulfilling the required employment period. Upon submission of this evidence, USCIS will deem your Form I-485 as prepared for final processing and adjudication.

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

Alien entrepreneurs are foreign nationals who have either invested or are in the process of investing \$1 million (or \$500,000 in a rural or high unemployment area) in a new commercial enterprise that will benefit the U.S. economy and create at least 10 full-time jobs for U.S. citizens, lawful permanent residents, and certain other authorized workers.

If you are submitting Form I-485 under the alien entrepreneur (immigrant investor) category, you cannot do so until USCIS has first approved your Form I-526, Immigrant Petition by Alien Entrepreneur, and a visa is readily available.

### **Evidence of Financial Support**

If you are submitting Form I-485 as an immigrant investor, you are not required to provide evidence of financial support.

Individuals who qualify as special immigrant religious workers are members of a religious denomination who will be employed as a minister or in another professional capacity in a religious vocation or occupation for the denominations bona fide nonprofit religious organization in the United States.

If you are submitting Form I-485 under the special immigrant religious worker category, you cannot do so until USCIS has first approved your Form I-360 and a visa is readily available.

With the exception of ministers, all other religious workers and their dependents must have their Form I-485 approved on or before the programs end date (sunset date). This date may be extended by statutory amendments. For further information on the sunset date, please visit the USCIS website.

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

Individuals who are eligible for special immigrant juveniles are those who are under 21 years old and unmarried at the time of submitting Form I-360, and who have a qualifying order from a state juvenile court (the definition of which can be found in 8 CFR 204.11(a)) that makes the required findings under INA section 101(a)(27)(J).

If an employment-based fourth preference (EB-4) immigrant visa is readily available, individuals submitting Form I-485 as special immigrant juveniles do not need to wait until Form I-360 is approved before submitting Form I-485. If a visa is immediately available, individuals may file Form I-485 together with Form I-360 while the latter is still pending, or after it has been approved. Otherwise, Form I-485 may be filed only after Form I-360 has been approved and a visa is immediately available. For additional information, please refer to the When Should I File Form I-485 section.

NOTE: For the purpose of special immigrant juvenile based adjustment, USCIS views anyone who has been granted special immigrant juvenile classification as having been paroled into the United States, regardless of the method they used to enter the country. Therefore, when completing Part 1. Information

About You of Form I-485, applicants should indicate the method they actually used to enter the United States.

Derivative applicants are not allowed in this category.

### **Evidence of Financial Support**

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

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

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

If you are submitting Form I-485 as a special immigrant Afghan or Iraqi national, you cannot do so until USCIS has first approved your Form I-360 and an immigrant visa is immediately available.

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

Retired officers or employees of an international organization or NATO (and their spouses), surviving spouses of deceased officers or employees of an international organization or NATO, and unmarried sons or daughters of current or retired officers or employees of an international organization or NATO are considered special immigrant G-4 or NATO-6 employees or family members.

In case a visa is immediately available, special immigrant G-4 international organization or NATO-6 employee or family member can file Form I-485 together with Form I-360, while it is pending or after approval. If a visa is not immediately available, they can only file Form I-485 after Form I-130 is approved and a visa is available. For more information, refer to the "When Should I File Form I-485" section mentioned above.

### **Additional Evidence Requirements**

To meet the specific requirements for the special immigrant G-4 international organization or NATO-6 employee or family member category, you must provide supporting evidence in addition to the documents mentioned in the "What Evidence Must You Submit with Form I-485" section. The primary applicant should provide: 1) copies of all pages of their passport and any other documents that demonstrate their residence and physical presence in the United States for the required time period (visit [www.uscis.gov/greencard](http://www.uscis.gov/greencard) for further information), and 2) evidence that they have maintained their G-4, N, or NATO-6 nonimmigrant status since their last entry into the United States.

### **Additional Instructions for Human Trafficking Victims and Crime Victims**

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

If you are a victim of human trafficking who was granted admission to the United States in T nonimmigrant status, you may be eligible to apply for adjustment of status under INA section 245(l) if you meet the following requirements: maintained continuous physical presence for the required period, are a person of good moral character, have cooperated with law enforcement authorities in the investigation or

prosecution of acts of trafficking, and would experience extreme hardship involving unusual and severe harm if removed from the United States, or were under 18 years old at the time of the victimization that qualified you for T nonimmigrant status. As a human trafficking victim, you are afforded special confidentiality protections under 8 U.S.C. section 1367. These protections include a ban on negative determinations based solely on information provided by the trafficker or other prohibited sources, and a prohibition on the disclosure of any information about the victim to third parties, except in specific, very limited circumstances.

If you are the primary applicant (T-1 nonimmigrant), you can submit Form I-485 only after being in the United States for the shorter of the following two periods:

1. A continuous period of at least three years since your initial admission as a T-1 nonimmigrant; or
2. A continuous period during the investigation or prosecution of acts of trafficking, and the Attorney General has confirmed the completion of the investigation or prosecution.

As a derivative applicant (T-2 through T-6 nonimmigrant), you are eligible to file Form I-485 only after the principal applicant has met the physical presence requirement mentioned above.

### **Evidence of Financial Support**

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

If you are a victim of human trafficking applying for adjustment of status, you must provide evidence to demonstrate that you meet the specific requirements for this immigrant category. In addition to the evidence mentioned in the main instructions, both principal and derivative applicants must also provide:

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

Furthermore, principal applicants are required to submit the following evidence:

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

### **Evidence of Continuous Physical Presence**

Although you are not required to provide documentation for each day of the required physical presence period, it is important to avoid significant chronological gaps in your documentation. To establish continuous physical presence, you must submit the following:

1. Copies of every page of your passport or equivalent travel document (or a valid explanation for not having such a document).

**2.** Evidence of any departure from and return to the United States while in T-1 nonimmigrant status, including:

**A.** Date of departure;

**B.** Place of departure;

**C.** Length of departure;

**D.** Manner of departure (plane, boat, etc.);

**E.** Date of return;

**F.** Place of return; and

**G.** Affidavit

**3.** Evidence that establishes continuous physical presence in the United States, which may include, but is not limited to:

**A.** Any documentation issued by a governmental or nongovernmental authority, provided that the documentation includes your name, is dated at the time of issuance, and contains the normal signature, seal, or other means of authentication of the authorized representative of the issuing authority;

**B.** Educational documents;

**C.** Employment records;

**D.** Certification indicating that you filed federal or state income tax returns, demonstrating that you attended school or worked in the United States throughout the entire period of continuous physical presence;

**E.** Documents that demonstrate installment payments, such as a sequence of monthly rent receipts or utility bills;

**F.** A list of documents already present in your DHS file that establishes physical presence, such as a written copy of a sworn statement given to a DHS officer, a law enforcement agency document confirming continued cooperation with requests for assistance, the transcript of a formal hearing, and Form I-213, Record of Deportable-Inadmissible Alien; or

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

**NOTE:** In the event that you lack the necessary documentation to establish continuous physical presence, you must provide a sworn affidavit detailing the reason for the absence, along with supporting affidavits from others who have first-hand knowledge of your continuous physical presence, and who can

offer specific details. Your affidavit by itself is not sufficient to demonstrate continuous physical presence.

NOTE: In general, if you were absent from the United States for a single trip lasting over 90 days or for several trips that, together, exceeded 180 days, you did not maintain continuous physical presence, except where you can demonstrate that:

1. Your absence was necessary to aid in the investigation or prosecution of trafficking crimes; or
2. An official involved in the investigation or prosecution of trafficking crimes certifies that the absence was otherwise warranted.

NOTE: If you have not maintained continuous physical presence in the United States for at least three years since your initial admission as a T-1 nonimmigrant, you must provide a document signed by the Attorney General of the United States (or their representative) verifying that the investigation or prosecution of trafficking crimes is concluded.

#### Evidence of Good Moral Character

In accordance with INA section 101(f), USCIS must determine that you possess good moral character before granting approval for your application.

To demonstrate good moral character, you must provide:

- 1 An affidavit of your own attesting to your good moral character; and
- 2 A police clearance from each locality or state in the United States where you resided for six months or more while in T-1 nonimmigrant status, or a state-issued criminal background check. If local police clearances, criminal background checks, or similar reports are unavailable for any location in which you resided, you may provide an explanation and submit other evidence that establishes your good moral character while you resided in that area.

You may supplement your evidence of good moral character with other credible forms of evidence, such as affidavits from reliable individuals who can attest to your good moral character.

Individuals under 14 years of age are not required to provide evidence of good moral character. However, USCIS may request evidence of good moral character if there are concerns about your ability to demonstrate good moral character.

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

You must provide documentation that demonstrates:

1. Your compliance with reasonable requests for aid in the investigation or prosecution of trafficking crimes;
2. That you were under 18 years of age at the time of victimization that qualified you for T nonimmigrant status; or

3. That you would experience extraordinary hardship involving unusual and severe harm if removed from the United States.

### **Evidence of Compliance with Reasonable Requests for Assistance**

Evidence demonstrating continued compliance with any reasonable requests for assistance in the investigation or prosecution of trafficking crimes may include, but is not limited to:

1. An affidavit from yourself explaining how you have continued to comply with any reasonable requests;
2. A statement from a federal, state, or local law enforcement official detailing how you have complied with any reasonable requests;

If you previously assisted law enforcement during the application process for your T-1 nonimmigrant status but are no longer providing assistance, you must provide a written explanation detailing why you are no longer involved. Possible reasons may include, but are not limited to:

1. The investigation or prosecution has been concluded;
2. Your T-1 nonimmigrant status was granted based on your willingness to provide assistance, but your assistance was not required, and you remain willing to assist if needed;
3. You were not requested to assist after receiving T-1 nonimmigrant status; or
4. A request for assistance was not reasonable (refer to 8 CFR Section 214.11(a) for additional details).

USCIS may consult the Attorney General of the United States if appropriate. NOTE: If you were exempt from the requirement to comply with any reasonable requests for assistance during the application process for your T-1 nonimmigrant status (due to being under 18 years of age or experiencing trauma at the time of victimization), you should provide an affidavit indicating that you were not subject to the compliance requirement.

### **Evidence of Extreme Hardship Involving Unusual and Severe Harm**

As an alternative, you may demonstrate eligibility for adjustment of status by providing evidence that you will experience extraordinary hardship involving unusual and severe harm if you are removed from the United States. Proving such hardship requires meeting a higher standard of proof than other hardship standards in immigration law. Economic hardship or the lack of social or economic opportunities cannot serve as the basis for establishing extreme hardship.

USCIS may consider both traditional factors associated with extreme hardship and the unique factors associated with having been a victim of severe trafficking in persons, as well as country condition reports and other credible sources of information. However, only factors that demonstrate hardship to you and not to other individuals or family members will be considered. Refer to 8 CFR 214.11(i) for a list of factors.

It is important to provide evidence to support all factors that pertain to your specific circumstances. If your current claim of extreme hardship is based on the continuation of the hardship that you previously claimed

when applying for T-1 nonimmigrant status, it is not necessary to document the entire claim again. Instead, you should submit evidence that shows your previously established extreme hardship has continued.

Please be aware that USCIS is not obligated to adhere to its previous determination of extreme hardship.

It is important to note that adjustment of status based on T nonimmigrant status is not a guaranteed benefit. Therefore, you are responsible for demonstrating why USCIS should exercise its discretion in favor of approving your application. USCIS may take all factors into consideration, including those that may make you inadmissible under other circumstances.

In general, favorable factors such as family ties, hardship, and length of residence in the United States may be sufficient for USCIS to exercise discretion in favor of approving your application. However, if adverse factors are present in your case, you may offset these by submitting supporting documentation of favorable factors that you want USCIS to consider. Refer to 8 CFR 245.23(e)(3) for additional information.

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

If you are a victim of certain specified crimes and were admitted to the United States in U nonimmigrant status, you may apply to adjust your status under INA section 245(m). To qualify for this benefit, you must have maintained continuous physical presence for the required time period and have complied with reasonable requests to assist law enforcement authorities in the investigation or prosecution of the criminal activity.

As a crime victim, you are entitled to special confidentiality protections under 8 U.S.C. section 1367. This law provides two important forms of protection for victims. The first form of protection prohibits adverse determinations against the victim based solely on information provided by their abuser or other prohibited sources. The second form of protection prohibits disclosure of any information about the victim to third parties, except in certain limited circumstances.

Form I-485 may be filed by both principal and derivative applicants only after being physically present in the United States for a continuous period of at least three years since being admitted as a U nonimmigrant, and they must continue to be physically present until USCIS makes a decision on the application.

In addition, certain qualifying family members can also apply for adjustment of status, and their eligibility is confirmed by an approved Form I-929, Petition for Qualifying Family Member of a U-1 Nonimmigrant. The applicant must demonstrate that the qualifying family relationship that led to the Form I-929 approval exists at the time the principal applicant becomes a lawful permanent resident and continues to exist until USCIS makes a decision on the Form I-485 application.

### **Evidence of Financial Support**

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

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



1. Evidence of continuous physical presence; and
2. Evidence that adjustment of status is warranted as a matter of discretion.

Principal applicants applying for adjustment of status as U nonimmigrants must also provide proof of their compliance with reasonable requests for assistance in the investigation or prosecution of the qualifying criminal activity.

It is not required to provide proof of being present in the United States every day during the three-year period of U nonimmigrant status, but there should not be any major gaps in the provided documentation. To demonstrate continuous physical presence, applicants must submit the following items:

1. Copies of all pages of their passport or similar travel documents (or a valid explanation if not available)
2. Evidence of any departures from and returns to the United States while in U nonimmigrant status, including:
  - A. Date of departure;
  - B. Place of departure;
  - C. Length of departure;
  - D. Manner of departure (plane, boat, etc.);
  - E. Date of return;
  - F. Place of return; and
  - G. Affidavit
3. Evidence establishing continuous physical presence, including but not limited to:
  - A. Documentation issued by a governmental or nongovernmental authority that includes your name, is dated at the time of issuance, and contains the signature, seal, or other authenticating instrument of the authorized representative of the issuing authority.
  - B. Educational documents;
  - C. Employment records;
  - D. Certification that you filed federal or state income tax returns demonstrating attendance at school or work in the United States during the entire continuous physical presence period;
  - E. Documents that demonstrate installment payments, such as a collection of monthly rent receipts or utility bills; or

F. A list that itemizes the type and date of documents already in your DHS file that confirm physical presence, such as, but not limited to, a written copy of a sworn statement given to a DHS officer, a document from a law enforcement agency attesting to your continued compliance with requests for assistance, the transcript of a formal hearing, and Form I-213, Record of Deportable-Inadmissible Alien; and

4. Your own affidavit attesting to your continuous physical presence.

If an applicant does not have enough documentation to prove continuous physical presence in the United States during the required period, they are required to explain the reason for the lack of documentation in an affidavit. The affidavit should be supported by additional affidavits from other individuals who have first-hand knowledge and can attest to the applicants continuous physical presence with specific details. It is important to note that an affidavit alone is not sufficient to establish continuous physical presence.

If you departed from the United States for any trip that lasted longer than 90 days or for multiple trips that together exceeded 180 days, you are generally considered to have failed to maintain continuous physical presence. However, you may still be able to show that you maintained continuous physical presence by submitting a certification from the agency that signed Form I-918, Supplement B, in support of your U nonimmigrant status.

The certification must state that either your absence was necessary in order to assist in the investigation or prosecution of the qualifying criminal activity, or

Your absence was otherwise justified.

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

You are obligated to provide assistance, as needed, to law enforcement agencies involved in the investigation or prosecution of the qualifying criminal activity, as a U nonimmigrant. Refusal to provide assistance after obtaining U nonimmigrant status is considered a violation of this requirement according to 8 CFR 245.24(a)(5).

To demonstrate compliance with this requirement, you must provide evidence that shows you have fulfilled reasonable requests for assistance in the investigation or prosecution of the qualifying criminal activity from the time you filed for U nonimmigrant status until the submission of Form I-485. It is important to note that you must continue to provide assistance until the adjudication of your Form I-485.

The evidence may include:

1. A newly executed Form I-918, Supplement B, U Nonimmigrant Status Certification;
2. A photocopy of the original Form I-918, Supplement B, with a new date and signature from the certifying agency;

3. Documentation on official letterhead from the certifying agency stating that you have not unreasonably refused to cooperate in the investigation or prosecution of the qualifying criminal activity;
4. An affidavit describing any efforts you made to obtain a newly executed Form I-918, Supplement B, or other evidence describing whether you received any requests to provide assistance in the criminal investigation or prosecution of the qualifying criminal activity, and your response to these requests; or
5. Court documents, police reports, news articles, copies of reimbursement forms for travel to and from court, and affidavits of other witnesses or officials.

**If you choose to submit an affidavit, it should contain the following information:**

- 1 A detailed description of all the instances when you were requested to provide assistance in the criminal investigation or prosecution of persons in connection with the qualifying criminal activity after you were granted U nonimmigrant status, including the dates, locations, and nature of the requests, and how you responded to each request.
- 2 Any identifying information you have about the law enforcement personnel involved in the case, such as names, titles, and contact information.
- 3 Any details you have about the current status of the criminal investigation or prosecution, including any charges that have been filed, the outcome of any criminal proceedings, or if the investigation or prosecution was terminated and the reasons for its termination.
4. In case you refused to provide assistance for the investigation or prosecution, you must provide a detailed explanation of why you refused and why you believed that the requests for assistance were unreasonable.

NOTE: In certain U nonimmigrant cases, someone other than the principal applicant may need to provide evidence of ongoing assistance to USCIS. For example, if the U-1 petitioner was a child, incompetent, or incapacitated, and was not directly required to provide assistance in an investigation or prosecution of the qualifying criminal activity, a parent, guardian, or next friend may have provided the assistance. In such cases, the person who provided the assistance may need to submit evidence to show that they have continued to provide assistance or that there was no unreasonable refusal to comply with the investigation or prosecution.

To apply for adjustment of status based on U nonimmigrant status, you must demonstrate that you meet the specific requirements for this immigrant visa category. You must also provide evidence of continuous physical presence and that adjustment of status is warranted as a matter of discretion.

It is important to note that the burden of proving eligibility for adjustment of status is on the applicant. USCIS will consider all factors, including those that may make the applicant inadmissible, when making a discretionary decision on the application.

If there are adverse factors present in the case, the applicant may submit evidence of favorable factors such as family ties, hardship, and length of residence in the United States to offset them. Such evidence may be sufficient for USCIS to use its discretion to approve the application. The relevant regulations are found in 8 CFR 245.24(d)(11).

If you have been granted asylum in the United States, you may apply for adjustment of status under INA section 209(b) if you meet the following criteria: you have been physically present in the US for at least one year after your asylum was granted, your asylum status has not been terminated, and you still qualify as an asylee or as the spouse or child of an asylee.

Asylee dependents can file Form I-485 either with the principal applicant or separately. However, they must provide evidence of their relationship to the principal applicant, such as a marriage certificate or other proof of relationship as described in the "What Evidence Must You Submit with Form I-485" section.

### **Evidence of Financial Support**

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

To adjust your status under the asylee category, you need to provide evidence that meets the specific requirements of this immigrant category. Apart from the evidence listed in the What Evidence Must You Submit with Form I-485 section, both principal and derivative applicants must submit evidence of asylum status, such as a copy of the asylum approval notice issued by USCIS or the immigration court order granting you asylum.

Under INA section 209(a), you may be able to adjust your status if you were admitted to the US as a refugee and have been physically present in the country for one year since your admission. Additionally, your refugee status should not have been terminated.

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

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

To apply for adjustment of status as a refugee, you must also show that you are admissible to the United States. If you are inadmissible, you may be able to apply for a waiver of inadmissibility. See the Instructions for Form I-602, Application by Refugee for Waiver of Grounds of Inadmissibility, for more information.

If you are a native or citizen of Cuba who was admitted or paroled into the United States after January 1, 1959, you may be eligible to apply for adjustment of status. You must also demonstrate that you have been physically present in the United States for at least one year. If you are the spouse or unmarried child of a Cuban national who meets these requirements, you may also be eligible to apply for adjustment of status, regardless of your own nationality or place of birth.

You can apply for adjustment of status as a derivative applicant under the CAA if you are the spouse or child of a qualifying CAA applicant, irrespective of your place of birth or nationality. You can apply under the CAA regardless of the duration of your relationship with the qualifying CAA applicant. It does not matter whether your relationship began before or after your Cuban spouse or parent became a lawful permanent resident.

### **Evidence of Financial Support**

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

As a CAA applicant, you are required to provide evidence demonstrating that you meet specific requirements for this immigrant category. Apart from the evidence listed in the "What Evidence Must You Submit with Form I-485" section, you must also submit:

1. Evidence that confirms your Cuban citizenship or nationality, as well as
2. Proof of physical presence in the United States for at least one year.

Some possible examples of evidence that principal applicants may submit to demonstrate their Cuban citizenship include:

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

Possible rephrased sentence: "Some evidence that principal applicants may provide to prove their Cuban citizenship includes, but is not restricted to:"

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

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

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

It is not necessary for derivative applicants to provide evidence of Cuban birth or citizenship since they can file to adjust status under the CAA regardless of their place of birth or nationality.

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

The CAA adjustment is limited to those who have been inspected and admitted or inspected and paroled into the United States. In case you are in the United States without inspection, you are ineligible for CAA adjustment unless you present yourself to USCIS and are paroled under INA section 212(d)(5)(A) while awaiting a final determination of your admissibility.

However, if you are a Cuban native or citizen who has already been physically present in the United States for at least one year at the time of your parole, you may apply for adjustment of status immediately after being paroled. It is not necessary for the one-year physical presence period to occur after your parole, according to the law.

If you are an abused spouse or child of a CAA-eligible spouse or parent, you may apply for adjustment of status. The law provides special confidentiality protections for you under 8 U.S.C. section 1367. These protections prohibit adverse determinations against you based on information provided solely by your abuser or other prohibited sources. They also prohibit disclosure of any information about you to third parties, except in certain very limited circumstances.

You may apply for adjustment of status under the CAA for abused spouses and children, regardless of the duration of your relationship with the CAA-eligible spouse or parent. Additionally, it does not matter whether your relationship began before or after your Cuban spouse or parent became a lawful permanent resident.

However, derivative applicants are not permitted in this category.

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

As a CAA abused spouse or child applicant, you must provide specific evidence to prove your eligibility for this adjustment program. Apart from the documents mentioned in the "What Evidence Must You Submit with Form I-485" section, you must also include the following evidence:

**1** Documentation proving that you lived with your abusive Cuban spouse or parent at some point during your qualifying relationship as their spouse or child. **2** Evidence of your physical presence in the United States for at least one year.

**3.** Evidence of battery or extreme cruelty;

**4.** Evidence that the termination of your marriage was connected to the abuse (if applicable); and

**5.** Evidence that the abusive Cuban spouse died within two years of when you filed an application for adjustment of status (if applicable).

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

There is no requirement that the one-year physical presence period occur after being paroled. However, to be eligible for adjustment of status under the CAA as an abused spouse or child of a CAA-eligible applicant, you must have been inspected and admitted or inspected and paroled into the United States. If you are present in the United States without inspection, you can only be eligible for CAA adjustment if you first present yourself to DHS and are paroled under INA section 212(d)(5)(A) while awaiting a final determination of your admissibility.

To demonstrate evidence of battery in a CAA adjustment based on abuse, it is necessary to prove that your Cuban spouse or parent intentionally and non-consensually caused you or your child physical harm, or acted offensively towards you or your child. Acts that may be considered as battery include rape, molestation, forced prostitution, punching, biting, kidnapping, kicking, choking, and sexual abuse.

Evidence of extreme cruelty should show that your Cuban spouse or parent committed non-physical acts of violence or made threats of violence to control you or make you comply with their wishes. Some examples include controlling who you see or talk to, withholding food or medical treatment, making threats of physical harm to you or your family, threatening suicide, or threatening to have you deported. It is important to demonstrate that these actions were part of a pattern or demonstrated an intent to control you.

In order to show that you are an abused spouse or child of a CAA-eligible spouse or parent, you must provide evidence that your spouse or parent subjected you to battery or extreme cruelty during your qualifying relationship. The evidence may include but is not limited to:

1. Reports and affidavits from officials such as police, judges, or court officials;
2. Copies of legal documents, such as orders of protection, that are related to the abuse or other legal processes that address the abuse;
3. Affidavits from individuals who have witnessed or have knowledge of the abusive acts;
4. Reports or affidavits from medical personnel, school officials, and clergy;
5. Reports or affidavits from social workers or other social service agency personnel.
6. proof that you sought refuge in a family violence shelter or similar place, and
7. photographic evidence of injuries. USCIS will review any credible evidence as defined in INA 204(a)(1)(J) that is relevant to your application, and will exercise discretion to determine the credibility and weight of the evidence.

In the event that your abusive Cuban spouse has passed away, you are still eligible to file Form I-485 if you do so within two years of their death and can prove that you lived with your abusive Cuban spouse at some point during the qualifying relationship. Along with the application, you must also provide evidence of their death, such as a death certificate.

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

the marriage between you and your CAA-eligible Cuban spouse has ended in divorce or annulment, you may still be eligible to file Form I-485 within two years of the termination of the marriage. However, you must demonstrate that:

- 1 You lived with your abusive Cuban spouse at some point during the qualifying relationship; and that
- 2 The battery or extreme cruelty by your Cuban spouse is connected to the termination of your marriage.

While the filing period for principal HRIFA applicants has ended, dependents of such applicants may still apply for adjustment of status if certain conditions are met. If you are a Haitian national residing in the US and are the dependent spouse, child, or unmarried son or daughter of a HRIFA applicant, you may be eligible to apply. However, you must have had a qualifying relationship with the principal applicant at the

time they were granted adjustment of status, and this relationship must still exist at the time of your own adjustment of status. Additionally, you cannot apply under this category if you are eligible for adjustment of status under any other provision of law.

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

As a HRIFA dependent, it is important to provide evidence to show that you meet specific requirements for this immigrant category.

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

- 1** Documentation to demonstrate Haitian nationality; and
- 2** Evidence to prove that the qualifying relationship with the principal existed at the time when the principal applicant was granted adjustment of status and that the relationship still exists.
- 3** You must provide evidence that shows you have been continuously physically present in the United States starting no later than December 31, 1995, and continuing until the time you are granted adjustment of status, in addition to the evidence listed in the What Evidence Must You Submit with Form I-485 section.
- 4** You must submit a statement that lists all arrivals and departures from the United States since December 31, 1995, along with evidence to support each entry and exit, as part of your HRIFA dependent application.

If you did not acquire Haitian nationality through birth in Haiti, you must provide evidence of your Haitian nationality, such as a copy of the certificate of naturalization or certificate of citizenship issued by the Haitian government.

As an unmarried son or daughter (21 years of age or older) applying as a HRIFA dependent, you must provide evidence of your continuous physical presence in the United States since December 31, 1995. USCIS considers your physical presence to be "continuous" even if you were absent from the United States for a total of 180 days or less, or if you received advance parole before departing the United States and returned to the United States according to the conditions listed on the advance parole document. Additionally, any absences from the United States that occurred after October 21, 1988, and before July 12, 1999, are also considered "continuous" if you departed the United States before December 31, 1988

If you are an abused spouse or child of a HRIFA-eligible spouse or parent, you may apply for adjustment of status even if your principal HRIFA-eligible spouse or parent has not filed for adjustment of status. You will be subject to special confidentiality protections under 8 U.S.C. section 1367. These protections include two forms of critical protection: (1) a prohibition on adverse determinations against the victim based on information provided solely by their abuser and other prohibited sources, and (2) a prohibition on disclosure of any information about the victim to third parties, except in certain very limited circumstances.



Derivative applicants are not allowed in this category.

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

To demonstrate your eligibility as an abused spouse or child under the HRIFA, you need to provide evidence that meets the specific requirements of this immigrant category, in addition to the evidence mentioned in the What Evidence Must You Submit with Form I-485 section. This evidence should include:

To apply for adjustment of status as an abused spouse or child under HRIFA, you must provide evidence of your Haitian nationality. If you did not obtain Haitian nationality by birth in Haiti, you need to include a copy of the certificate of naturalization or citizenship issued by the Haitian government.

To provide evidence of battery as an abused spouse or child under HRIFA, you should demonstrate that your spouse or parent committed physical acts of violence towards you or your child intentionally, without your consent, and causing harm or offense. These acts may include but are not limited to rape, molestation, forced prostitution, punching, biting, kidnapping, kicking, choking, and sexual abuse.

Evidence of extreme cruelty should demonstrate that your HRIFA-eligible spouse or parent committed non-physical acts of violence or threats of violence that aimed to control you or gain your compliance. Examples of such behavior include, but are not limited to, restricting your freedom to associate with others, controlling your access to basic necessities such as food and medical treatment, threatening harm to you or your family, threatening to commit suicide, or threatening to deport you.

To demonstrate that your HRIFA-eligible spouse or parent subjected you to battery or extreme cruelty, you must provide relevant documentation. Such documentation can include:

1. Reports and affidavits from police, judges, or other court officials;
2. Copies of legal documents relating to orders of protection or other legal processes addressing the abuse;
3. Affidavits from persons who witnessed or have knowledge of the abusive acts;
4. Reports or affidavits from medical personnel, school officials, and clergy;
5. Reports or affidavits from social workers or other social service agency personnel;
6. Documentation to show you sought safe-haven in a family violence shelter or similar place; or
7. Photographs of injuries.

This adjustment of status category is available to nationals of certain countries who were previously denied refugee status but were later inspected and paroled into the United States for humanitarian reasons before September 30, 2012. To be eligible, you must have been physically present in the United States for one year after being paroled. However, derivative applicants are not permitted to apply under this category. The eligible countries include the former Soviet Union, Vietnam, Cambodia, and Laos.

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

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

If your medical examination was conducted outside the United States, and you did not have a Class A condition during the exam, you only need to submit the vaccination portion of Form I-693 if you are applying for adjustment of status within two years of being paroled into the United States. However, if your medical examination was not conducted overseas or you had a Class A condition at the time of the exam, you must submit the full Form I-693. You can choose to submit Form I-693 with your Form I-485 or at a later time. Please refer to the Report of Medical Examination and Vaccination Record (Form I-693) section in the What Evidence Must You Submit with Form I-485 for additional information.

In addition to the evidence listed in the "What Evidence Must You Submit with Form I-485" section, Lautenberg parolees are required to provide documentation showing they meet specific requirements for this immigrant category. The evidence should demonstrate that:

You are a national of the former Soviet Union (including any of the independent countries that were formerly part of the Union of Soviet Socialist Republics), Vietnam, Laos, or Cambodia, and if this information is not contained in your birth certificate, then provide proof of your nationality.

You were previously denied refugee status.

These requirements must be met to qualify for adjustment of status under the Lautenberg Amendment.

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

If you entered the United States under diplomatic or semi-diplomatic status but failed to maintain lawful status, you may apply for adjustment of status as a Section 13 applicant, provided you can demonstrate compelling reasons why you cannot return to the country represented by the government which accredited you.

If you're a Section 13 applicant's immediate family member, you're eligible to apply as a derivative. The Department of States (DOS) definition of immediate family member is more extensive for A and G nonimmigrants than for other nonimmigrant categories. According to 22 CFR 41.21(a)(3), immediate family members are the spouse and unmarried sons and daughters (whether by blood or adoption) who do not belong to another household and who will regularly reside with the principal. Additionally, immediate family members encompass individuals who:

1. Are not members of some other household;
2. Will reside regularly in the principal applicant's household;
3. Are recognized by the sending government as immediate family members of the principal applicant as demonstrated by eligibility for rights and benefits, such as the issuance of a diplomatic or official passport, travel or other allowances; and
4. Are individually authorized by DOS.

In order to apply for Section 13, you must provide evidence that demonstrates you satisfy specific requirements that pertain to this particular immigrant category. Therefore, besides the evidence specified in the "What Evidence Must You Submit with Form I-485" section, principal applicants are also required to submit:

1. Evidence that proves you were granted admission into the United States as a nonimmigrant under A-1, A-2, G-1, or G-2 status;
2. Evidence that verifies you performed diplomatic or semi-diplomatic duties (menial, clerical, or custodial duties are insufficient);
3. Evidence of compelling reasons that explain why you or a family member is incapable of returning to the country represented by the government that accredited you.
4. Evidence establishing that granting your adjustment of status would be in the national interest of the United States;
5. Form I-508, Waiver of Rights, Privileges, Exemptions and Immunities under INA section 247(b) (and Form I-508F, if you are a French national); and
6. Form I-566, Interagency Record of Request.

Besides the evidence specified in the "What Evidence Must You Submit with Form I-485" section, derivative applicants are also required to submit:

1. Evidence that you were admitted into the United States in A-1, A-2, G-1, or G-2 nonimmigrant status;
2. Evidence establishing that granting your adjustment of status would be in the national interest of the United States;
3. Form I-508, Waiver of Rights, Privileges, Exemptions and Immunities under INA section 247(b) (and Form I-508F, if you are a French national); and
4. Form I-566, Interagency Record of Request

### **Failing to Maintain Status**

If you entered the United States in A or G nonimmigrant status, you will keep your A or G nonimmigrant status as long as the U.S. Secretary of State acknowledges you as eligible for such status. Therefore, you will maintain your status until the Department of State terminates your diplomatic status.

The Department of State (DOS) is in charge of ending an individual's diplomatic status and determining the date when the termination of status will take effect. When employees of foreign missions end their employment, DOS requires foreign missions to promptly submit Form DS-2008 (Notice of Termination of Diplomatic, Consular, or Foreign Government Employment) to DOS. For more details concerning the termination of diplomatic status, please get in touch with DOS.

Following your adjustment of status interview with USCIS, USCIS will confer with DOS, who will offer an

opinion on the validity of your application. Once USCIS obtains the recommendation, we will make a determination on your application.

There is an annual limit of 50 adjustments allowed under this particular category. If feasible, you may want to contemplate applying under an alternative immigrant category as a result of this category's numerical restriction.

If you are a Vietnam, Cambodia, or Laos national who was inspected and paroled into the United States from Vietnam under the Orderly Departure Program (ODP) or from a refugee camp or a displaced person camp managed by the United Nations High Commissioner for Refugees (UNHCR) in Thailand before October 1, 1997, you may apply for adjustment of status. However, derivative applicants are not eligible under this category.

### **Evidence of Financial Support**

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

### **Additional Evidence Requirements**

To apply for this immigrant category, you need to present evidence that demonstrates you meet specific requirements related to this category. As a result, aside from the evidence specified in the "What Evidence Must You Submit with Form I-485" section, you are required to provide:

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

Some foreign nationals who were chosen in the Diversity Visa (DV) lottery for the present fiscal year may be eligible to apply for adjustment of status. Your selection letter, issued by the Department of State (DOS), verifies that you may be qualified to seek adjustment under this category.

Derivative applicants can submit an application under this category only if they were identified as derivative family members in the principal DV lottery application.

You can file Form I-485 only when a visa is immediately accessible. To learn about visa availability for DV candidates, visit the USCIS website at [www.uscis.gov/greencard](http://www.uscis.gov/greencard).

You and your derivatives are eligible to obtain a Diversity Visa (DV) only for the designated fiscal year for which you were selected. USCIS is unable to endorse any DV adjustment application after September 30 of the corresponding fiscal year. From October 1, USCIS must decline any DV adjustment application that is still in progress from the prior fiscal year.

USCIS cannot ensure that it will be able to adjudicate your application before the end of a fiscal year. For this reason, it is recommended that you apply as soon as you are qualified.

### **Evidence of Financial Support**

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

To apply as a DV candidate, you must provide evidence that shows you meet certain requirements specific to this immigrant category. Consequently, in addition to the evidence specified in the "What Evidence Must You Submit with Form I-485" section, both principal and derivative applicants are also required to submit:

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

#### **Evidence of Selection in DV Lottery**

You must furnish a copy of the DOS Selection Letter for the DV lottery for the principal applicant, as well as a copy of the receipt for the DV lottery processing fee from DOS.

#### **Evidence of Relationship**

If derivative applicants are submitting Form I-485 based on the principal applicants Selection Letter, you need to provide evidence that the principal applicant listed the derivative applicants in the entry when entering the DV lottery for the present fiscal year.

Suppose the DV selectee gets married or has a child (whether through natural birth, adoption, or stepchild) after submitting the qualifying online DV lottery entry. In that case, the spouse and children are qualified for derivative status for immigration purposes. However, the qualifying marriage, birth, or adoption must occur before the DV selectee becomes a lawful permanent resident. If the qualifying marriage, birth, or adoption takes place after the DV selectee becomes a lawful permanent resident, then the DV selectee may petition for eligible family members in an appropriate family-based category.

#### **Evidence of Education or Work Experience**

1. Possess a high school diploma or an equivalent (which entails completing a 12-year program of primary and secondary education in the United States or completing a formal program of primary and secondary education in another country that is equivalent to a high school education in the United States. Only formal programs of study meet this prerequisite. Correspondence courses or certificates of equivalency, such as the General Equivalency Diploma (GED), are not acceptable); or
2. Have worked for two years within the last five years in an occupation that necessitates at least two years of training or experience.

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

Foreign nationals who entered the United States before January 1, 1972, and have continuously resided in the United States since then, may apply to document their lawful permanent resident status.

Derivative applicants are not permitted to apply under this category.

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

To apply as a Registry candidate, you must provide evidence that demonstrates you meet certain requirements that are specific to this registration category. Hence, apart from the evidence specified in the "What Evidence Must You Submit with Form I-485" section, you are required to submit:

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

2. Evidence establishing continuous residence since entry

### **Evidence of Entry Before January 1, 1972**

To demonstrate evidence of entry, you may submit at least one document that establishes your presence in the United States before January 1, 1972. You are permitted to provide as many documents as necessary.

### **Evidence of Continuous Residence**

You may prove continuous residence even if you have taken several brief departures from the United States.

You are allowed to provide as many documents as necessary to establish continuous residence since your claimed date of entry. Some examples of the types of evidence you may submit include:

1. Copies of passport pages that show nonimmigrant visa, admission, or parole stamps;

3. Income tax records;

4. Mortgage deeds or leases;

5. Insurance premiums and policies;

6. Birth, marriage, and death certificates of immediate family members;

7. Medical records;

8. Bank records;

9. School records;

10. All types of receipts that contain identifying information about you;

11. Census records;

12. Social Security records;

13. Newspaper articles concerning you;

14. Employment records; 15. Military records;

16. Draft records;

17. Car registrations;

18. Union membership records; and

19. Affidavits from credible witnesses having a personal knowledge of your residence in the United States, submitted with the witness' contact information.

While it is possible to submit affidavits, it is recommended that you provide supplementary evidence to support your application.

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

You may apply to document your lawful permanent resident status if you are a foreign national born in the United States to a foreign diplomatic officer who is accredited to the United States (listed in DOS's Diplomatic List, also known as the "Blue List"), and you have continuously resided in the United States since your birth.

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

Derivative applicants are not eligible to apply under this category.

If you are submitting Form I-485 as an individual who was born under diplomatic status in the United States, you are not required to provide evidence of financial support.

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

1. Official confirmation of the diplomatic classification and occupational title of your parent at the time of your birth;
2. A list of all your arrivals in and departures from the United States;
3. Proof of your continuous residence in the United States; and
4. Form I-508, Waiver of Rights, Privileges, Exemptions and Immunities under INA section 247(b) (and Form I-508F, if you are a French national).

#### **Evidence of Diplomatic Status**

According to international law, individuals born in the United States to a foreign diplomatic officer accredited to the United States are not subject to the jurisdiction of the United States. Additionally, you are not regarded as a U.S. citizen under the Fourteenth Amendment to the Constitution. Nevertheless, you may be deemed a lawful permanent resident at birth.

If one of your parents was listed on the Blue List when you were born in the United States, you may file Form I-485 under this category. It is not necessary for both parents to be listed on the Blue List. The Blue

List is accessible at <https://www.state.gov/resources-for-foreign-embassies/diplomatic-list/>. However, if one of your parents was a U.S. citizen when you were born, you are already a U.S. citizen from birth and are not required to file this application.

### Evidence of Continuous Residence

To maintain your lawful permanent resident status, you must demonstrate that you have not abandoned your residence in the United States. One of the tests to determine whether you have maintained your lawful permanent resident status is by proving your continuous residence in the United States.

You may demonstrate continuous residence in the United States since your entry, even if you have taken several brief departures from the United States. You may provide as many documents as necessary to establish continuous residence in the United States. Examples of the types of evidence you may submit include:

1. Copy of passport pages with nonimmigrant visa, admission, or parole stamps;
2. Form I-94 Arrival-Departure Record;
3. Income tax records;
4. Mortgage deeds or leases;
5. Insurance premiums and policies;
6. Birth, marriage, and death certificates of immediate family members;
7. Medical records;
8. Bank records;
9. School records;
10. All types of receipts that contain identifying information about you;
11. Census records;
12. Social Security records;
13. Newspaper articles concerning you;
14. Employment records;
15. Military records;
16. Draft records;



17. Car registrations;

18. Union membership records; and

19. You may submit affidavits from credible witnesses who have personal knowledge of your residence in the United States. These affidavits should include the witness contact information.

While affidavits may be submitted, it is recommended that you also provide additional evidence to support your application.