



ADJUSTMENT OF U VISA STATUS PRO BONO MANUAL

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STATUTES & REGULATIONS

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INA: ACT 101 – DEFINITIONS

Sec. 101. [8 U.S.C. 1101] (a) As used in this Act-

(15) The term "immigrant" means every alien except an alien who is within one of the following classes of nonimmigrant aliens

(U) 4aa/ (i) subject to section 214(p), 4aa/ an alien who files a petition for status under this subparagraph, if the 4aa1/ Secretary of Homeland Security determines that--

(I) the alien has suffered substantial physical or mental abuse as a result of having been a victim of criminal activity described in clause (iii);

(II) the alien (or in the case of an alien child under the age of 16, the parent, guardian, or next friend of the alien) possesses information concerning criminal activity described in clause (iii);

(III) the alien (or in the case of an alien child under the age of 16, the parent, guardian, or next friend of the alien) has been helpful, is being helpful, or is likely to be helpful to a Federal, State, or local law enforcement official, to a Federal, State, or local prosecutor, to a Federal or State judge, to the Service, or to other Federal, State, or local authorities investigating or prosecuting criminal activity described in clause (iii); and

(IV) the criminal activity described in clause (iii) violated the laws of the United States or occurred in the United States (including in Indian country and military installations) or the territories and possessions of the United States;

(ii) 4aa1/ if accompanying, or following to join, the alien described in clause (i)--

(I) in the case of an alien described in clause (i) who is under 21 years of age, the spouse, children, unmarried siblings under 18 years of age on the date on which such alien applied for status under such clause, and parents of such alien; or

(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien; and

(iii) the criminal activity referred to in this clause is that involving one or more of the following or any similar activity in violation of Federal, State, or local criminal law: rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes; or 4aa/

INA: ACT 214 - ADMISSION OF NONIMMIGRANTS

(p) 14/ 8/ REQUIREMENTS APPLICABLE TO SECTION 101(a)(15)(U) VISAS-

(1) PETITIONING PROCEDURES FOR SECTION 101(a)(15)(U) VISAS- The petition filed by an alien under section 101(a)(15)(U)(i) shall contain a certification from a Federal, State, or local law enforcement official, prosecutor, judge, or other Federal, State, or local authority investigating criminal activity described in section 101(a)(15)(U)(iii). This certification may also be provided by an official of the Service whose ability to provide such certification is not limited to information concerning immigration violations. This certification shall state that the alien "has been helpful, is being helpful, or is likely to be helpful" in the investigation or prosecution of criminal activity described in section 101(a)(15)(U)(iii).

(2) NUMERICAL LIMITATIONS-

(A) The number of aliens who may be issued visas or otherwise provided status as nonimmigrants under section 101(a)(15)(U) in any fiscal year shall not exceed 10,000.

(B) The numerical limitations in subparagraph (A) shall only apply to principal aliens described in section 101(a)(15)(U)(i), and not to spouses, children, or, in the case of alien children, the alien parents of such children.

(3) DUTIES OF THE ATTORNEY GENERAL WITH RESPECT TO "U" VISA NONIMMIGRANTS- With respect to nonimmigrant aliens described in subsection (a)(15)(U)--

(A) the Attorney General and other government officials, where appropriate, shall provide those aliens with referrals to nongovernmental organizations to advise the aliens regarding their options while in the United States and the resources available to them; and

(B) the Attorney General shall, during the period those aliens are in lawful temporary resident status under that subsection, provide the aliens with employment authorization.

(4) CREDIBLE EVIDENCE CONSIDERED- In acting on any petition filed under this subsection, the consular officer or the Attorney General, as appropriate, shall consider any credible evidence relevant to the petition.

(5) NONEXCLUSIVE RELIEF- Nothing in this subsection limits the ability of aliens who qualify for status under section 101(a)(15)(U) to seek any other immigration benefit or status for which the alien may be eligible.

(6) 14a/ DURATION OF STATUS- The authorized period of status of an alien as a nonimmigrant under section 101(a)(15)(U) shall be for a period of not more than 4 years, but shall be extended upon certification from a Federal, State, or local law enforcement official, prosecutor, judge, or other Federal, State, or local authority investigating or prosecuting criminal activity described in section 101(a)(15)(U)(iii) that the alien's presence in the United States is required to assist in the investigation or prosecution of such criminal activity. 14c/ The Secretary of Homeland Security may extend, beyond the 4-year period authorized under this section, the authorized period of status of an alien as a nonimmigrant under section 101(a)(15)(U) if the Secretary determines that an extension of such period is warranted due to exceptional circumstances. Such alien's nonimmigrant status shall be extended beyond the 4-year period authorized under this section if the alien is eligible for relief under section 245(m) and is unable to obtain such relief because regulations have not been issued to implement such section and shall be extended during the pendency of an application for adjustment of status under section 245(m) . The Secretary may grant work authorization to any alien who has a pending, bona fide application for nonimmigrant status under section 101(a)(15)(U) .

8 CFR PART 214 -- NONIMMIGRANT CLASSES

§ 214.14 Alien victims of certain qualifying criminal activity. (Section added effective 10/17/07; 72 FR 53014)

(a) Definitions. As used in this section, the term:

(1) BIWPA means Battered Immigrant Women Protection Act of 2000 of the Victims of Trafficking and Violence Protection Act of 2000, div. B, Violence Against Women Act of 2000, tit. V, Pub. L. 106-386, 114 Stat. 1464, (2000), amended by Violence Against Women and Department of Justice Reauthorization Act of 2005, tit. VIII, Pub. L. 109-162, 119 Stat. 2960 (2006), amended by Violence Against Women and Department of Justice Reauthorization Act-- Technical Corrections, Pub. L. 109-271, 120 Stat. 750 (2006).

(2) Certifying agency means a Federal, State, or local law enforcement agency, prosecutor, judge, or other authority, that has responsibility for the investigation or prosecution of a qualifying crime or criminal activity. This definition includes agencies that have criminal investigative jurisdiction in their respective areas of

expertise, including, but not limited to, child protective services, the Equal Employment Opportunity Commission, and the Department of Labor.

(3) Certifying official means:

(i) The head of the certifying agency, or any person(s) in a supervisory role who has been specifically designated by the head of the certifying agency to issue U nonimmigrant status certifications on behalf of that agency; or

(ii) A Federal, State, or local judge.

(4) Indian Country is defined as:

(i) All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;

(ii) All dependent Indian communities within the borders of the United States whether within the

original or subsequently acquired territory thereof, and whether within or without the limits of a state; and

(iii) All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through such allotments.

(5) Investigation or prosecution refers to the detection or investigation of a qualifying crime or criminal activity, as well as to the prosecution, conviction, or sentencing of the perpetrator of the qualifying crime or criminal activity.

(6) Military Installation means any facility, base, camp, post, encampment, station, yard, center, port, aircraft, vehicle, or vessel under the jurisdiction of the Department of Defense, including any leased facility, or any other location under military control.

(7) Next friend means a person who appears in a lawsuit to act for the benefit of an alien under the age of 16 or incapacitated or incompetent, who has suffered substantial physical or mental abuse as a result of being a victim of qualifying criminal activity. The next friend is not a party to the legal proceeding and is not appointed as a guardian.

(8) Physical or mental abuse means injury or harm to the victim's physical person, or harm to or impairment of the emotional or psychological soundness of the victim.

(9) Qualifying crime or qualifying criminal activity includes one or more of the following or any similar activities in violation of Federal, State or local criminal law of the United States: Rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes. The term "any similar activity" refers to criminal offenses in which the nature and elements of the offenses are substantially similar to the statutorily enumerated list of criminal activities.

(10) Qualifying family member means, in the case of an alien victim 21 years of age or older who is eligible for U nonimmigrant status as described in section 101(a)(15)(U) of the Act, 8 U.S.C. 1101(a)(15)(U), the spouse or child(ren) of such alien; and, in the case of an alien victim under the age of 21 who is eligible for U nonimmigrant status as described in section

101(a)(15)(U) of the Act, qualifying family member means the spouse, child(ren), parents, or unmarried siblings under the age of 18 of such an alien.

(11) Territories and Possessions of the United States means American Samoa, Swains Island, Bajo Nuevo (the Petrel Islands), Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Atoll, Navassa Island, Palmyra Atoll, Serranilla Bank, and Wake Atoll. (Revised effective 11/28/09; 74 FR 55725)

(12) U nonimmigrant status certification means Form I-918, Supplement B, "U Nonimmigrant Status Certification," which confirms that the petitioner has been helpful, is being helpful, or is likely to be helpful in the investigation or prosecution of the qualifying criminal activity of which he or she is a victim.

(13) U interim relief refers to the interim benefits that were provided by USCIS to petitioners for U nonimmigrant status, who requested such benefits and who were deemed prima facie eligible for U nonimmigrant status prior to the publication of the implementing regulations.

(14) Victim of qualifying criminal activity generally means an alien who has suffered direct and proximate harm as a result of the commission of qualifying criminal activity.

(i) The alien spouse, children under 21 years of age and, if the direct victim is under 21 years of age, parents and unmarried siblings under 18 years of age, will be considered victims of qualifying criminal activity where the direct victim is deceased due to murder or manslaughter, or is incompetent or incapacitated, and therefore unable to provide information concerning the criminal activity or be helpful in the investigation or prosecution of the criminal activity. For purposes of determining eligibility under this definition, USCIS will consider the age of the victim at the time the qualifying criminal activity occurred.

(ii) A petitioner may be considered a victim of witness tampering, obstruction of justice, or perjury, including any attempt, solicitation, or conspiracy to commit one or more of those offenses, if:

(A) The petitioner has been directly and proximately harmed by the perpetrator of the witness tampering, obstruction of justice, or perjury; and

(B) There are reasonable grounds to conclude that the perpetrator committed the witness tampering, obstruction of justice, or perjury offense, at least in principal part, as a means:

(1) To avoid or frustrate efforts to investigate, arrest, prosecute, or otherwise bring to justice the perpetrator for other criminal activity; or

(2) To further the perpetrator's abuse or exploitation of or undue control over the petitioner through manipulation of the legal system.

(iii) A person who is culpable for the qualifying criminal activity being investigated or prosecuted is excluded from being recognized as a victim of qualifying criminal activity.

(b) Eligibility . An alien is eligible for U-1 nonimmigrant status if he or she demonstrates all of the following in accordance with paragraph (c) of this section:

(1) The alien has suffered substantial physical or mental abuse as a result of having been a victim of qualifying criminal activity. Whether abuse is substantial is based on a number of factors, including but not limited to: The nature of the injury inflicted or suffered; the severity of the perpetrator's conduct; the severity of the harm suffered; the duration of the infliction of the harm; and the extent to which there is permanent or serious harm to the appearance, health, or physical or mental soundness of the victim, including aggravation of pre-existing conditions. No single factor is a prerequisite to establish that the abuse suffered was substantial. Also, the existence of one or more of the factors automatically does not create a presumption that the abuse suffered was substantial. A series of acts taken together may be considered to constitute substantial physical or mental abuse even where no single act alone rises to that level;

(2) The alien possesses credible and reliable information establishing that he or she has knowledge of the details concerning the qualifying criminal activity upon which his or her petition is based. The alien must possess specific facts regarding the criminal activity leading a certifying official to determine that the petitioner has, is, or is likely to provide assistance to the investigation or prosecution of the qualifying criminal activity. In the event that the alien has not yet reached 16 years of age on the date on which an act constituting an element of the qualifying criminal activity first occurred, a parent, guardian or next friend of the alien may possess the information regarding a qualifying crime. In addition, if the alien is incapacitated or incompetent, a parent, guardian, or next friend may possess the information regarding the qualifying crime;

(3) The alien has been helpful, is being helpful, or is likely to be helpful to a certifying agency in the investigation or prosecution of the qualifying criminal activity upon which his or her petition is based, and since the initiation of cooperation, has not refused or failed to provide information and assistance reasonably requested. In the event that the alien has not yet reached 16 years of age on the date on which an act constituting an element of the qualifying criminal activity first occurred, a parent, guardian or next friend of the alien may provide the required assistance. In

addition, if the petitioner is incapacitated or incompetent and, therefore, unable to be helpful in the investigation or prosecution of the qualifying criminal activity, a parent, guardian, or next friend may provide the required assistance; and

(4) The qualifying criminal activity occurred in the United States (including Indian country and U.S. military installations) or in the territories or possessions of the United States, or violated a U.S. federal law that provides for extraterritorial jurisdiction to prosecute the offense in a U.S. federal court.

(c) Application procedures for U nonimmigrant status -- (1) Filing a petition. USCIS has sole jurisdiction over all petitions for U nonimmigrant status. An alien seeking U-1 nonimmigrant status must submit, by mail, Form I-918, "Petition for U Nonimmigrant Status," applicable biometric fee (or request for a fee waiver as provided in 8 CFR 103.7(c)), and initial evidence to USCIS in accordance with this paragraph and the instructions to Form I-918. A petitioner who received interim relief is not required to submit initial evidence with Form I-918 if he or she wishes to rely on the law enforcement certification and other evidence that was submitted with the request for interim

relief.

(i) Petitioners in pending immigration proceedings. An alien who is in removal proceedings under section 240 of the Act, 8 U.S.C. 1229a, or in exclusion or deportation proceedings initiated under former sections 236 or 242 of the Act, 8 U.S.C. 1226 and 1252 (as in effect prior to April 1, 1997), and who would like to apply for U nonimmigrant status must file a Form I-918 directly with USCIS. U.S. Immigration and Customs Enforcement (ICE) counsel may agree, as a matter of discretion, to file, at the request of the alien petitioner, a joint motion to terminate proceedings without prejudice with the immigration judge or Board of Immigration Appeals, whichever is appropriate, while a petition for U nonimmigrant status is being adjudicated by USCIS.

(ii) Petitioners with final orders of removal, deportation, or exclusion. An alien who is the subject of a final order of removal, deportation, or exclusion is not precluded from filing a petition for U-1 nonimmigrant status directly with USCIS. The filing of a petition for U-1 nonimmigrant status has no effect on ICE's authority to execute a final order, although the alien may file a request for a stay of removal pursuant to 8 CFR 241.6(a) and 8 CFR 1241.6(a). If the alien is in detention pending execution of the final order, the time during which a stay is in effect will extend the period of detention (under the standards of 8 CFR 241.4) reasonably necessary to bring about the petitioner's removal.

(2) Initial evidence. Form I-918 must include the following initial evidence:

(i) Form I-918, Supplement B, "U Nonimmigrant Status Certification," signed by a certifying official within the six months immediately preceding the filing of Form I-918. The certification must state that: the person signing the certificate is the head of the certifying agency, or any person(s) in a supervisory role who has been specifically designated by the head of the certifying agency to issue U nonimmigrant status certifications on behalf of that agency, or is a Federal, State, or local judge; the agency is a Federal, State, or local law enforcement agency, or prosecutor, judge or other authority, that has responsibility for the detection, investigation, prosecution, conviction, or sentencing of qualifying criminal activity; the applicant has been a victim of qualifying criminal activity that the certifying official's agency is investigating or prosecuting; the petitioner possesses information concerning the qualifying criminal activity of which he or she has been a victim; the petitioner has been, is being, or is likely to be helpful to an investigation or prosecution of that qualifying criminal activity; and the qualifying criminal activity violated U.S. law, or occurred in the United States, its territories, its possessions, Indian country, or at military installations abroad.

(ii) Any additional evidence that the petitioner wants USCIS to consider to establish that: the petitioner is a victim of qualifying criminal activity; the petitioner has suffered substantial physical or mental abuse as a result of being a victim of qualifying criminal activity; the petitioner (or, in the case of a child under the age of 16 or petitioner who is incompetent or incapacitated, a parent, guardian or next friend of the petitioner) possesses information establishing that he or she has knowledge of the details concerning the qualifying criminal activity of which he or she was a victim and upon which his or her application is based; the petitioner (or, in the case of a child under the age of 16 or petitioner who is incompetent or incapacitated, a parent, guardian or next friend of the petitioner) has been helpful, is being helpful, or is likely to be helpful to a Federal, State, or local law enforcement agency, prosecutor, or authority, or Federal or State judge, investigating or prosecuting the criminal activity of which the petitioner is a victim; or the criminal activity is qualifying and occurred in the United States (including Indian country and U.S. military installations) or in the territories or possessions of the United States, or violates a U.S. federal law that provides for extraterritorial jurisdiction to prosecute the offense in a U.S. federal court;

(iii) A signed statement by the petitioner describing the facts of the victimization. The statement also may include information supporting any of the eligibility requirements set out in paragraph (b) of this section. When the petitioner is under the age of 16, incapacitated, or incompetent, a parent, guardian, or next friend may submit a statement on behalf of the petitioner; and

(iv) If the petitioner is inadmissible, Form I-192, "Application for Advance Permission to Enter as Non-Immigrant," in accordance with 8 CFR 212.17.

(3) Biometric capture. All petitioners for U-1 nonimmigrant status must submit to biometric

capture and pay a biometric capture fee. USCIS will notify the petitioner of the proper time and location to appear for biometric capture after the petitioner files Form I-918.

(4) Evidentiary standards and burden of proof. The burden shall be on the petitioner to demonstrate eligibility for U-1 nonimmigrant status. The petitioner may submit any credible evidence relating to his or her Form I-918 for consideration by USCIS. USCIS shall conduct a de novo review of all evidence submitted in connection with Form I-918 and may investigate any aspect of the petition. Evidence previously submitted for this or other immigration benefit or relief may be used by USCIS in evaluating the eligibility of a petitioner for U-1 nonimmigrant status. However, USCIS will not be bound by its previous factual determinations. USCIS will determine, in its sole discretion, the evidentiary value of previously or concurrently submitted evidence, including Form I-918, Supplement B, "U Nonimmigrant Status Certification."

(5) Decision. After completing its de novo review of the petition and evidence, USCIS will issue a written decision approving or denying Form I-918 and notify the petitioner of this decision. USCIS will include in a decision approving Form I-918 a list of nongovernmental organizations to which the petitioner can refer regarding his or her options while in the United States and available resources.

(i) Approval of Form I-918, generally. If USCIS determines that the petitioner has met the requirements for U-1 nonimmigrant status, USCIS will approve Form I-918. For a petitioner who is within the United States, USCIS also will concurrently grant U-1 nonimmigrant status, subject to the annual limitation as provided in paragraph (d) of this section. For a petitioner who is subject to an order of exclusion, deportation, or removal issued by the Secretary, the order will be deemed canceled by operation of law as of the date of USCIS' approval of Form I-918. A petitioner who is subject to an order of exclusion, deportation, or removal issued by an immigration judge or the Board may seek cancellation of such order by filing, with the immigration judge or the Board, a motion to reopen and terminate removal proceedings. ICE counsel may agree, as a matter of discretion, to join such a motion to overcome any applicable time and numerical limitations of 8 CFR 1003.2 and 1003.23.

(A) Notice of Approval of Form I-918 for U-1 petitioners within the United States. After USCIS approves Form I-918 for an alien who filed his or her petition from within the United States, USCIS will notify the alien of such approval on Form I-797, "Notice of Action," and include Form I-94, "Arrival-Departure Record," indicating U-1 nonimmigrant status.

(B) Notice of Approval of Form I-918 for U-1 petitioners outside the United States. After USCIS approves Form I-918 for an alien who filed his or her petition from outside the United States, USCIS will notify the alien of such approval on Form I-797, "Notice of Action," and will forward notice to the Department of State for delivery to the U.S. Embassy or Consulate having

jurisdiction over the area in which the alien is located, or, for a visa exempt alien, to the appropriate port of entry.

(ii) Denial of Form I-918. USCIS will provide written notification to the petitioner of the reasons for the denial. The petitioner may appeal a denial of Form I-918 to the Administrative Appeals Office (AAO) in accordance with the provisions of 8 CFR 103.3. For petitioners who appeal a denial of their Form I-918 to the AAO, the denial will not be deemed administratively final until the AAO issues a decision affirming the denial. Upon USCIS' final denial of a petition for a petitioner who was in removal proceedings that were terminated pursuant to 8 CFR 214.14(c)(1)(i), DHS may file a new Notice to Appear (see section 239 of the Act, 8 U.S.C. 1229) to place the individual in proceedings again. For petitioners who are subject to an order of removal, deportation, or exclusion and whose order has been stayed, USCIS' denial of the petition will result in the stay being lifted automatically as of the date the denial becomes administratively final.

(6) Petitioners granted U interim relief. Petitioners who were granted U interim relief as defined in paragraph (a)(13) of this section and whose Form I-918 is approved will be accorded U-1 nonimmigrant status as of the date that a request for U interim relief was initially approved.

(7) Employment authorization. An alien granted U-1 nonimmigrant status is employment authorized incident to status. USCIS automatically will issue an initial Employment Authorization Document (EAD) to such aliens who are in the United States. For principal aliens who applied from outside the United States, the initial EAD will not be issued until the petitioner has been admitted to the United States in U nonimmigrant status. After admission, the alien may receive an initial EAD, upon request and submission of a copy of his or her Form I-94, "Arrival-Departure Record," to the USCIS office having jurisdiction over the adjudication of petitions for U nonimmigrant status. No additional fee is required. An alien granted U-1 nonimmigrant status seeking to renew his or her expiring EAD or replace an EAD that was lost, stolen, or destroyed, must file Form I-765 in accordance with the instructions to the form.

(d) Annual cap on U-1 nonimmigrant status -- (1) General. In accordance with section 214(p)(2) of the Act, 8 U.S.C. 1184(p)(2), the total number of aliens who may be issued a U-1 nonimmigrant visa or granted U-1 nonimmigrant status may not exceed 10,000 in any fiscal year.

(2) Waiting list. All eligible petitioners who, due solely to the cap, are not granted U-1 nonimmigrant status must be placed on a waiting list and receive written notice of such placement. Priority on the waiting list will be determined by the date the petition was filed with the oldest petitions receiving the highest priority. In the next fiscal year, USCIS will issue a number to each petition on the waiting list, in the order of highest priority, providing the petitioner remains admissible and eligible for U nonimmigrant status. After U-1 nonimmigrant status has been issued to qualifying petitioners on the waiting list, any remaining U-1

nonimmigrant numbers for that fiscal year will be issued to new qualifying petitioners in the order that the petitions were properly filed. USCIS will grant deferred action or parole to U-1 petitioners and qualifying family members while the U-1 petitioners are on the waiting list. USCIS, in its discretion, may authorize employment for such petitioners and qualifying family members.

(3) Unlawful presence. During the time a petitioner for U nonimmigrant status who was granted deferred action or parole is on the waiting list, no accrual of unlawful presence under section 212(a)(9)(B) of the INA, 8 U.S.C. 1182(a)(9)(B), will result. However, a petitioner may be removed from the waiting list, and the deferred action or parole may be terminated at the discretion of USCIS.

(e) Restrictions on use and disclosure of information relating to petitioners for U nonimmigrant classification --(1) General. The use or disclosure (other than to a sworn officer or employee of DHS, the Department of Justice, the Department of State, or a bureau or agency of any of those departments, for legitimate department, bureau, or agency purposes) of any information relating to the beneficiary of a pending or approved petition for U nonimmigrant status is prohibited unless the disclosure is made:

(i) By the Secretary of Homeland Security, at his discretion, in the same manner and circumstances as census information may be disclosed by the Secretary of Commerce under 13 U.S.C. 8;

(ii) By the Secretary of Homeland Security, at his discretion, to law enforcement officials to be used solely for a legitimate law enforcement purpose;

(iii) In conjunction with judicial review of a determination in a manner that protects the confidentiality of such information;

(iv) After adult petitioners for U nonimmigrant status or U nonimmigrant status holders have provided written consent to waive the restrictions prohibiting the release of information;

(v) To Federal, State, and local public and private agencies providing benefits, to be used solely in making determinations of eligibility for benefits pursuant to 8 U.S.C. 1641(c);

(vi) After a petition for U nonimmigrant status has been denied in a final decision;

(vii) To the chairmen and ranking members of the Committee on the Judiciary of the Senate or the Committee on the Judiciary of the House of Representatives, for the exercise of congressional oversight authority, provided the disclosure relates to information about a closed case and is made in a manner that protects the confidentiality of the information and omits personally identifying information (including locational information about individuals);

(viii) With prior written consent from the petitioner or derivative family members, to nonprofit, nongovernmental victims' service providers for the sole purpose of assisting the victim in obtaining victim services from programs with expertise working with immigrant victims; or

(ix) To federal prosecutors to comply with constitutional obligations to provide statements by witnesses and certain other documents to defendants in pending federal criminal proceedings.

(2) Agencies receiving information under this section, whether governmental or non-governmental, are bound by the confidentiality provisions and other restrictions set out in 8 U.S.C. 1367.

(3) Officials of the Department of Homeland Security are prohibited from making adverse determinations of admissibility or deportability based on information obtained solely from the perpetrator of substantial physical or mental abuse and the criminal activity.

(f) Admission of qualifying family members -- (1) Eligibility. An alien who has petitioned for or has been granted U-1 nonimmigrant status (i.e., principal alien) may petition for the admission of a qualifying family member in a U-2 (spouse), U-3 (child), U-4 (parent of a U-1 alien who is a child under 21 years of age), or U-5 (unmarried sibling under the age of 18) derivative status, if accompanying or following to join such principal alien. A qualifying family member who committed the qualifying criminal activity in a family violence or trafficking context which established the principal alien's eligibility for U nonimmigrant status shall not be granted U-2, U-3, U-4, or U-5 nonimmigrant status. To be eligible for U-2, U-3, U-4, or U-5 nonimmigrant status, it must be demonstrated that:

(i) The alien for whom U-2, U-3, U-4, or U-5 status is being sought is a qualifying family member, as defined in paragraph (a)(10) of this section; and

(ii) The qualifying family member is admissible to the United States.

(2) Filing procedures. A petitioner for U-1 nonimmigrant status may apply for derivative U

nonimmigrant status on behalf of qualifying family members by submitting a Form I-918, Supplement A, "Petition for Qualifying Family Member of U-1 Recipient," for each family member either at the same time the petition for U-1 nonimmigrant status is filed, or at a later date. An alien who has been granted U-1 nonimmigrant status may apply for derivative U nonimmigrant status on behalf of qualifying family members by submitting Form I-918, Supplement A for each family member. All Forms I-918, Supplement A must be accompanied by initial evidence and the required fees specified in the instructions to the form. Forms I-918, Supplement A that are not filed at the same time as Form I-918 but are filed at a later date must be accompanied by a copy of the Form I-918 that was filed by the principal petitioner or a copy of his or her Form I-94 demonstrating proof of U-1 nonimmigrant status, as applicable.

(i) Qualifying family members in pending immigration proceedings. The principal alien of a qualifying family member who is in removal proceedings under section 240 of the Act, 8 U.S.C. 1229a, or in exclusion or deportation proceedings initiated under former sections 236 or 242 of the Act, 8 U.S.C. 1226 and 1252 (as in effect prior to April 1, 1997), and who is seeking U nonimmigrant status, must file a Form I-918, Supplement A directly with USCIS. ICE counsel may agree to file, at the request of the qualifying family member, a joint motion to terminate proceedings without prejudice with the immigration judge or Board of Immigration Appeals, whichever is appropriate, while the petition for U nonimmigrant status is being adjudicated by USCIS.

(ii) Qualifying family members with final orders of removal, deportation, or exclusion. An alien who is the subject of a final order of removal, deportation, or exclusion is not precluded from filing a petition for U-2, U-3, U-4, or U-5 nonimmigrant status directly with USCIS. The filing of a petition for U-2, U-3, U-4, or U-5 nonimmigrant status has no effect on ICE's authority to execute a final order, although the alien may file a request for a stay of removal pursuant to 8 CFR 241.6(a) and 8 CFR 1241.6(a). If the alien is in detention pending execution of the final order, the time during which a stay is in effect will extend the period of detention (under the standards of 8 CFR 241.4) reasonably necessary to bring about the alien's removal.

(3) Initial evidence. Form I-918, Supplement A, must include the following initial evidence:

(i) Evidence demonstrating the relationship of a qualifying family member, as provided in paragraph (f)(4) of this section;

(ii) If the qualifying family member is inadmissible, Form I-192, "Application for Advance Permission to Enter as a Non-Immigrant," in accordance with 8 CFR 212.17.

(4) Relationship. Except as set forth in paragraphs (f)(4)(i) and (ii) of this section, the relationship between the U-1 principal alien and the qualifying family member must exist at the

time Form I-918 was filed, and the relationship must continue to exist at the time Form I-918, Supplement A is adjudicated, and at the time of the qualifying family member's subsequent admission to the United States.

(i) If the U-1 principal alien proves that he or she has become the parent of a child after Form I-918 was filed, the child shall be eligible to accompany or follow to join the U-1 principal alien.

(ii) If the principal alien was under 21 years of age at the time he or she filed Form I-918, and filed Form I-918, Supplement A for an unmarried sibling under the age of 18, USCIS will continue to consider such sibling as a qualifying family member for purposes of U nonimmigrant status even if the principal alien is no longer under 21 years of age at the time of adjudication, and even if the sibling is no longer under 18 years of age at the time of adjudication.

(5) Biometric capture and evidentiary standards. The provisions for biometric capture and evidentiary standards in paragraphs (c)(3) and (c)(4) of this section also are applicable to petitions for qualifying family members.

(6) Decision. USCIS will issue a written decision approving or denying Form I-918, Supplement A and send notice of this decision to the U-1 principal petitioner. USCIS will include in a decision approving Form I-918 a list of nongovernmental organizations to which the qualifying family member can refer regarding his or her options while in the United States and available resources. For a qualifying family member who is subject to an order of exclusion, deportation, or removal issued by the Secretary, the order will be deemed canceled by operation of law as of the date of USCIS' approval of Form I-918, Supplement A. A qualifying family member who is subject to an order of exclusion, deportation, or removal issued by an immigration judge or the Board may seek cancellation of such order by filing, with the immigration judge or the Board, a motion to reopen and terminate removal proceedings. ICE counsel may agree, as a matter of discretion, to join such a motion to overcome any applicable time and numerical limitations of 8 CFR 1003.2 and 1003.23.

(i) Approvals for qualifying family members within the United States. When USCIS approves a Form I-918, Supplement A for a qualifying family member who is within the United States, it will concurrently grant that alien U-2, U-3, U-4, or U-5 nonimmigrant status. USCIS will notify the principal of such approval on Form I-797, "Notice of Action," with Form I-94, "Arrival-Departure Record," indicating U-2, U-3, U-4, or U-5 nonimmigrant status. Aliens who were previously granted U interim relief as defined in paragraph (a)(13) of this section will be accorded U nonimmigrant status as of the date that the request for U interim relief was approved. Aliens who are granted U-2, U-3, U-4, or U-5 nonimmigrant status are not subject to an annual numerical limit. USCIS may not approve Form I-918, Supplement A unless it has approved the principal alien's Form I-918.

(ii) Approvals for qualifying family members outside the United States. When USCIS approves Form I-918, Supplement A for a qualifying family member who is outside the United States, USCIS will notify the principal alien of such approval on Form I-797. USCIS will forward the approved Form I-918, Supplement A to the Department of State for delivery to the U.S. Embassy or Consulate having jurisdiction over the area in which the qualifying family member is located, or, for a visa exempt alien, to the appropriate port of entry.

(iii) Denial of the Form I-918, Supplement A. In accordance with 8 CFR 103.3(a)(1), USCIS will provide written notification of the reasons for the denial. The principal alien may appeal the denial of Form I-918, Supplement A to the Administrative Appeals Office in accordance with the provisions of 8 CFR 103.3. Upon USCIS' final denial of Form I-918, Supplement A for a qualifying family member who was in removal proceedings that were terminated pursuant to 8 CFR 214.14(f)(2)(i), DHS may file a new Notice to Appear (see section 239 of the INA, 8 U.S.C. 1229) to place the individual in proceedings again. For qualifying family members who are subject to an order of removal, deportation, or exclusion and whose order has been stayed, USCIS' denial of the petition will result in the stay being lifted automatically as of the date the denial becomes administratively final.

(7) Employment authorization. An alien granted U-2, U-3, U-4, or U-5 nonimmigrant status is employment authorized incident to status. To obtain an Employment Authorization Document (EAD), such alien must file Form I-765, "Application for Employment Authorization," with the appropriate fee or a request for a fee waiver, in accordance with the instructions to the form. For qualifying family members within the United States, the Form I-765 may be filed concurrently with Form I-918, Supplement A, or at any time thereafter. For qualifying family members who are outside the United States, Form I-765 only may be filed after admission to the United States in U nonimmigrant status.

(g) Duration of U nonimmigrant status --(1) In general. U nonimmigrant status may be approved for a period not to exceed 4 years in the aggregate. A qualifying family member granted U-2, U-3, U-4, and U-5 nonimmigrant status will be approved for an initial period that does not exceed the expiration date of the initial period approved for the principal alien.

(2) Extension of status. (i) Where a U nonimmigrant's approved period of stay on Form I-94 is less than 4 years, he or she may file Form I-539, "Application to Extend/Change Nonimmigrant Status," to request an extension of U nonimmigrant status for an aggregate period not to exceed 4 years. USCIS may approve an extension of status for a qualifying family member beyond the date when the U-1 nonimmigrant's status expires when the qualifying family member is unable to enter the United States timely due to delays in consular processing, and an extension of status is necessary to ensure that the qualifying family member is able to attain at least 3 years in nonimmigrant status for purposes of adjusting status under section 245(m) of the Act, 8 U.S.C. 1255.

(ii) Extensions of U nonimmigrant status beyond the 4-year period are available upon attestation by the certifying official that the alien's presence in the United States continues to be necessary to assist in the investigation or prosecution of qualifying criminal activity. In order to obtain an extension of U nonimmigrant status based upon such an attestation, the alien must file Form I-539 and a newly executed Form I-918, Supplement B in accordance with the instructions to Form I-539.

(h) Revocation of approved petitions for U nonimmigrant status --(1) Automatic revocation. An approved petition for U-1 nonimmigrant status will be revoked automatically if, pursuant to § CFR 214.14(d)(1), the beneficiary of the approved petition notifies the USCIS office that approved the petition that he or she will not apply for admission to the United States and, therefore, the petition will not be used.

(2) Revocation on notice. (i) USCIS may revoke an approved petition for U nonimmigrant status following a notice of intent to revoke. USCIS may revoke an approved petition for U nonimmigrant status based on one or more of the following reasons:

(A) The certifying official withdraws the U nonimmigrant status certification referred to in § CFR 214.14(c)(2)(i) or disavows the contents in writing;

(B) Approval of the petition was in error;

(C) Where there was fraud in the petition;

(D) In the case of a U-2, U-3, U-4, or U-5 nonimmigrant, the relationship to the principal petitioner has terminated; or

(E) In the case of a U-2, U-3, U-4, or U-5 nonimmigrant, the principal U-1's nonimmigrant status is revoked.

(ii) The notice of intent to revoke must be in writing and contain a statement of the grounds for the revocation and the time period allowed for the U nonimmigrant's rebuttal. The alien may submit evidence in rebuttal within 30 days of the date of the notice. USCIS shall consider all relevant evidence presented in deciding whether to revoke the approved petition for U nonimmigrant status. The determination of what is relevant evidence and the weight to be given to that evidence will be within the sole discretion of USCIS. If USCIS revokes approval of a

petition and thereby terminates U nonimmigrant status, USCIS will provide the alien with a written notice of revocation that explains the specific reasons for the revocation.

(3) Appeal of a revocation of approval. A revocation on notice may be appealed to the Administrative Appeals Office in accordance with 8 CFR 103.3 within 30 days after the date of the notice of revocation.

Automatic revocations may not be appealed.

(4) Effects of revocation of approval. Revocation of a principal alien's approved Form I-918 will result in termination of status for the principal alien, as well as in the denial of any pending Form I-918, Supplement A filed for qualifying family members seeking U-2, U-3, U-4, or U-5 nonimmigrant status. Revocation of a qualifying family member's approved Form I-918, Supplement A will result in termination of status for the qualifying family member. Revocation of an approved Form I-918 or Form I-918, Supplement A also revokes any waiver of inadmissibility granted in conjunction with such petition.

(i) Removal proceedings. Nothing in this section prohibits USCIS from instituting removal proceedings under section 240 of the Act, 8 U.S.C. 1229(a), for conduct committed after admission, for conduct or a condition that was not disclosed to USCIS prior to the granting of U nonimmigrant status, for misrepresentations of material facts in Form I-918 or Form I-918, Supplement A and supporting documentation, or after revocation of U nonimmigrant status.

INA: ACT 245 - ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

(m) 9/ 10/ (1) The 11a/ Secretary of Homeland Security may adjust the status of an alien admitted into the United States (or otherwise provided nonimmigrant status) under section 101(a)(15)(U) to that of an alien lawfully admitted for permanent residence if the alien is not described in section 212(a)(3)(E), unless the Secretary 11c/ determines based on affirmative evidence that the alien unreasonably refused to provide assistance in a criminal investigation or prosecution, if --

(A) the alien has been physically present in the United States for a continuous period of at least 3 years since the date of admission as a nonimmigrant under clause (i) or (ii) of section 101(a)(15)(U) ; and

(B) in the opinion of the 11a/ Secretary of Homeland Security, the alien's continued presence in the United States is justified on humanitarian grounds, to ensure family unity, or is otherwise in the public interest.

(2) An alien shall be considered to have failed to maintain continuous physical presence in the United States under paragraph (1)(A) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days unless the absence is in order to assist in the investigation or prosecution or unless an official involved in the investigation or prosecution certifies that the absence was otherwise justified.

(3) Upon approval of adjustment of status under paragraph (1) of an alien described in section 101(a)(15)(U)(i) the 11a/ Secretary of Homeland Security may adjust the status of or issue an immigrant visa to a spouse, a child, or, in the case of an alien child, a parent who did not receive a nonimmigrant visa under section 101(a)(15)(U)(ii) if the 11a/ Secretary considers the grant of such status or visa necessary to avoid extreme hardship.

(4) Upon the approval of adjustment of status under paragraph (1) or (3), the 11a/ Secretary of Homeland Security shall record the alien's lawful admission for permanent residence as of the date of such approval.

(5)(A) 11c/ The Secretary of Homeland Security shall consult with the Attorney General, as appropriate, in making a determination under paragraph (1) whether affirmative evidence demonstrates that the alien unreasonably refused to provide assistance to a Federal law enforcement official, Federal prosecutor, Federal judge, or other Federal authority investigating or prosecuting criminal activity described in section 101(a)(15)(U)(iii) .

(B) 11c/ Nothing in paragraph (1)(B) may be construed to prevent the Secretary from consulting with the Attorney General in making a determination whether affirmative evidence demonstrates

that the alien unreasonably refused to provide assistance to a State or local law enforcement official, State or local prosecutor, State or local judge, or other State or local authority investigating or prosecuting criminal activity described in section 101(a)(15)(U)(iii).

adjustment of status under this section.

(1) *Annual cap of T-1 principal applicant adjustments.* (1) *General.* The total number of T-1 principal applicants whose status is adjusted to that of lawful permanent residents under this section may not exceed the statutory cap in any fiscal year.

(2) *Waiting list.* All eligible applicants who, due solely to the limit imposed in section 245(l)(4) of the Act and paragraph (m)(1) of this section, are not granted adjustment of status will be placed on a waiting list. USCIS will send the applicant written notice of such placement. Priority on the waiting list will be determined by the date the application was properly filed, with the oldest applications receiving the highest priority. In the following fiscal year, USCIS will proceed with granting adjustment of status to applicants on the waiting list who remain admissible and eligible for adjustment of status in order of highest priority until the available numbers are exhausted for the given fiscal year. After the status of qualifying applicants on the waiting list has been adjusted, any remaining numbers for that fiscal year will be issued to new qualifying applicants in the order that the applications were properly filed.

[73 FR 75558, Dec. 12, 2008]

§ 245.24 Adjustment of aliens in U nonimmigrant status.

(a) *Definitions.* As used in this section, the term:

(1) *Continuous Physical Presence* means the period of time that the alien has been physically present in the United States and must be a continuous period of at least 3 years since the date of admission as a U nonimmigrant continuing through the date of the conclusion of adjudication of the application for adjustment of status. If the alien has departed from the United States for any single period in excess of 90 days or for any periods in the aggregate exceeding 180 days, the applicant must include a certification from the agency that signed the Form I-918, Supplement B, in support of the alien's U nonimmigrant status that the absences were necessary to assist in the

criminal investigation or prosecution or were otherwise justified.

(2) *Qualifying Family Member* means a U-1 principal applicant's spouse, child, or, in the case of an alien child, a parent who has never been admitted to the United States as a nonimmigrant under sections 101(a)(15)(U) and 214(p) of the Act.

(3) *U Interim Relief* means deferred action and work authorization benefits provided by USCIS or the Immigration and Naturalization Service to applicants for U nonimmigrant status deemed *prima facie* eligible for U nonimmigrant status prior to publication of the U nonimmigrant status regulations.

(4) *U Nonimmigrant* means an alien who is in lawful U-1, U-2, U-3, U-4, or U-5 status.

(5) *Refusal to Provide Assistance in a Criminal Investigation or Prosecution* is the refusal by the alien to provide assistance to a law enforcement agency or official that had responsibility for the investigation or prosecution of persons in connection with the qualifying criminal activity after the alien was granted U nonimmigrant status. The Attorney General will determine whether the alien's refusal was unreasonable under the totality of the circumstances based on all available affirmative evidence. The Attorney General may take into account such factors as general law enforcement, prosecutorial, and judicial practices; the kinds of assistance asked of other victims of crimes involving an element of force, coercion, or fraud; the nature of the request to the alien for assistance; the nature of the victimization; the applicable guidelines for victim and witness assistance; and the specific circumstances of the applicant, including fear, severe traumatization (both mental and physical), and the age and maturity of the applicant.

(b) *Eligibility of U Nonimmigrants.* Except as described in paragraph (c) of this section, an alien may be granted adjustment of status to that of an alien lawfully admitted for permanent residence, provided the alien:

(1) Applies for such adjustment;

(2)(i) Was lawfully admitted to the United States as either a U-1, U-2, U-

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3, U-4 or U-5 nonimmigrant, as defined in 8 CFR 214.1(a)(2), and

(i) Continues to hold such status at the time of application; or accrued at least 4 years in U interim relief status and files a complete adjustment application within 120 days of the date of approval of the Form I-918, Petition for U Nonimmigrant Status;

(3) Has continuous physical presence for 3 years as defined in paragraph (a)(1) of this section;

(4) Is not inadmissible under section 212(a)(3)(E) of the Act;

(5) Has not unreasonably refused to provide assistance to an official or law enforcement agency that had responsibility in an investigation or prosecution of persons in connection with the qualifying criminal activity after the alien was granted U nonimmigrant status, as determined by the Attorney General, based on affirmative evidence; and

(6) Establishes to the satisfaction of the Secretary that the alien's presence in the United States is justified on humanitarian grounds, to ensure family unity, or is in the public interest.

(c) *Exception.* An alien is not eligible for adjustment of status under paragraph (b) of this section if the alien's U nonimmigrant status has been revoked pursuant to 8 CFR 214.14(h).

(d) *Application Procedures for U nonimmigrants.* Each U nonimmigrant who is requesting adjustment of status must submit:

(1) Form I-485, Application to Register Permanent Residence or Adjust Status, in accordance with the form instructions;

(2) The fee prescribed in 8 CFR 103.7(b)(1) or an application for a fee waiver;

(3) The biometric services fee as prescribed in 8 CFR 103.7(b)(1) or an application for a fee waiver;

(4) A photocopy of the alien's Form I-797, Notice of Action, granting U nonimmigrant status;

(5) A photocopy of all pages of all of the applicant's passports valid during the required period (or equivalent travel document or a valid explanation of why the applicant does not have a passport) and documentation showing the following:

(i) The date of any departure from the United States during the period that the applicant was in U nonimmigrant status;

(ii) The date, manner, and place of each return to the United States during the period that the applicant was in U nonimmigrant status; and

(iii) If the applicant has been absent from the United States for any period in excess of 90 days or for any periods in the aggregate of 180 days or more, a certification from the investigating or prosecuting agency that the absences were necessary to assist in the investigation or prosecution of the criminal activity or were otherwise justified;

(6) A copy of the alien's Form I-94, Arrival-Departure Record;

(7) Evidence that the applicant was lawfully admitted in U nonimmigrant status and continues to hold such status at the time of application;

(8) Evidence pertaining to any request made to the alien by an official or law enforcement agency for assistance in an investigation or prosecution of persons in connection with the qualifying criminal activity, and the alien's response to such request;

(9) Evidence, including an affidavit from the applicant, that he or she has continuous physical presence for at least 3 years as defined in paragraph (a)(1) of this section. Applicants should submit evidence described in 8 CFR 245.22. A signed statement from the applicant attesting to continuous physical presence alone will not be sufficient to establish this eligibility requirement. If additional documentation is not available, the applicant must explain why in an affidavit and provide additional affidavits from others with first-hand knowledge who can attest to the applicant's continuous physical presence by specific facts;

(10) *Evidence establishing that approval is warranted.* Any other information required by the instructions to Form I-485, including whether adjustment of status is warranted as a matter of discretion on humanitarian grounds, to ensure family unity, or is otherwise in the public interest; and

(11) *Evidence relating to discretion.* An applicant has the burden of showing that discretion should be exercised in

his or her favor. Although U adjustment applicants are not required to establish that they are admissible, USCIS may take into account all factors, including acts that would otherwise render the applicant inadmissible, in making its discretionary decision on the application. Where adverse factors are present, an applicant may offset these by submitting supporting documentation establishing mitigating equities that the applicant wants USCIS to consider when determining whether or not a favorable exercise of discretion is appropriate. Depending on the nature of the adverse factors, the applicant may be required to clearly demonstrate that the denial of adjustment of status would result in exceptional and extremely unusual hardship. Moreover, depending on the gravity of the adverse factors, such a showing might still be insufficient. For example, USCIS will generally not exercise its discretion favorably in cases where the applicant has committed or been convicted of a serious violent crime, a crime involving sexual abuse committed upon a child, or multiple drug-related crimes, or where there are security- or terrorism-related concerns.

(e) *Continued assistance in the investigation or prosecution.* Each applicant for adjustment of status under section 245(m) of the Act must provide evidence of whether or not any request was made to the alien to provide assistance, after having been lawfully admitted as a U nonimmigrant, in an investigation or prosecution of persons in connection with the qualifying criminal activity, and his or her response to any such requests.

(1) An applicant for adjustment of status under section 245(m) of the Act may submit a document signed by an official or law enforcement agency that had responsibility for the investigation or prosecution of persons in connection with the qualifying criminal activity, affirming that the applicant complied with (or did not unreasonably refuse to comply with) reasonable requests for assistance in the investigation or prosecution during the requisite period. To meet this evidentiary requirement, applicants may submit a newly executed

Form I-918, Supplement B, "U Nonimmigrant Status Certification."

(2) If the applicant does not submit a document described in paragraph (e)(1) of this section, the applicant may submit an affidavit describing the applicant's efforts, if any, to obtain a newly executed Form I-918, Supplement B, or other evidence describing whether or not the alien received any request to provide assistance in a criminal investigation or prosecution, and the alien's response to any such request.

(i) The applicant should also include, when possible, identifying information about the law enforcement personnel involved in the case and any information, of which the applicant is aware, about the status of the criminal investigation or prosecution, including any charges filed and the outcome of any criminal proceedings, or whether the investigation or prosecution was dropped and the reasons.

(ii) If applicable, an applicant may also provide a more detailed description of situations where the applicant refused to comply with requests for assistance because the applicant believed that the requests for assistance were unreasonable.

(3) In determining whether the applicant has satisfied the continued assistance requirement, USCIS or the Department of Justice may at its discretion contact the certifying agency that executed the applicant's original Form I-918, Supplement B, "U Nonimmigrant Status Certification" or any other law enforcement agency.

(4) In accordance with procedures determined by the Department of Justice and the Department of Homeland Security, USCIS will refer certain applications for adjustment of status to the Department of Justice for determination of whether the applicant unreasonably refused to provide assistance in a criminal investigation or prosecution. If the applicant submits a document described in paragraph (e)(1) of this section, USCIS will not refer the application for consideration by the Department of Justice absent extraordinary circumstances. In other cases, USCIS will only refer an application to the Department of Justice if an official

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or law enforcement agency has provided evidence that the alien has refused to comply with requests to provide assistance in an investigation or prosecution of persons in connection with the qualifying criminal activity or if there are other affirmative evidence in the record suggesting that the applicant may have unreasonably refused to provide such assistance. In these instances, USCIS will request that the Department of Justice determine, based on all available affirmative evidence, whether the applicant unreasonably refused to provide assistance in a criminal investigation or prosecution. The Department of Justice will have 90 days to provide a written determination to USCIS, or where appropriate, request an extension of time to provide such a determination. After such time, USCIS may adjudicate the application whether or not the Department of Justice has provided a response.

(f) *Decision.* The decision to approve or deny a Form I-485 filed under section 245(m) of the Act is a discretionary determination that lies solely within USCIS's jurisdiction. After completing its review of the application and evidence, USCIS will issue a written decision approving or denying Form I-485 and notify the applicant of this decision.

(1) *Approvals.* If USCIS determines that the applicant has met the requirements for adjustment of status and merits a favorable exercise of discretion, USCIS will approve the Form I-485. Upon approval of adjustment of status under this section, USCIS will record the alien's lawful admission for permanent residence as of the date of such approval.

(2) *Denials.* Upon the denial of an application for adjustment of status under section 245(m) of the Act, the applicant will be notified in writing of the decision and the reason for the denial in accordance with 8 CFR part 103. If an applicant chooses to appeal the denial to the Administrative Appeals Office pursuant to the provisions of 8 CFR 103.3, the denial will not become final until the appeal is adjudicated.

(g) *Filing petitions for qualifying family members.* A principal U-1 applicant may file an immigrant petition under sec-

tion 245(m)(3) of the Act on behalf of a qualifying family member as defined in paragraph (a)(2) of this section, provided that:

(1) The qualifying family member has never held U nonimmigrant status;

(2) The qualifying family relationship, as defined in paragraph (a)(2) of this section, exists at the time of the U-1 principal's adjustment and continues to exist through the adjudication of the adjustment or issuance of the immigrant visa for the qualifying family member;

(3) The qualifying family member or the principal U-1 alien, would suffer extreme hardship as described in 8 CFR 245.24(g) (to the extent the factors listed are applicable) if the qualifying family member is not allowed to remain in or enter the United States; and

(4) The principal U-1 alien has adjusted status to that of a lawful permanent resident, has a pending application for adjustment of status, or is concurrently filing an application for adjustment of status.

(h) *Procedures for filing petitions for qualifying family members.*

(1) *Required documents.* For each qualifying family member who plans to seek an immigrant visa or adjustment of status under section 245(m)(3) of the Act, the U-1 principal applicant must submit, either concurrently with, or after he or she has filed, his or her Form I-485:

(i) Form I-929 in accordance with the form instructions;

(ii) The fee prescribed in 8 CFR 103.7(b)(1) or an application for a fee waiver;

(iii) Evidence of the relationship listed in paragraph (a)(2) of this section, such as a birth or marriage certificate. If primary evidence is unavailable, secondary evidence or affidavits may be submitted in accordance with 8 CFR 103.2(b)(2);

(iv) Evidence establishing that either the qualifying family member or the U-1 principal alien would suffer extreme hardship if the qualifying family member is not allowed to remain in or join the principal in the United States. Extreme hardship is evaluated on a case-by-case basis, taking into account the particular facts and circumstances of each case. Applicants are encouraged

to document all applicable factors in their applications, as the presence or absence of any one factor may not be determinative in evaluating extreme hardship. To establish extreme hardship to a qualifying family member who is physically present in the United States, an applicant must demonstrate that removal of the qualifying family member would result in a degree of hardship beyond that typically associated with removal. Factors that may be considered in evaluating whether removal would result in extreme hardship to the alien or to the alien's qualifying family member include, but are not limited to:

(A) The nature and extent of the physical or mental abuse suffered as a result of having been a victim of criminal activity;

(B) The impact of loss of access to the United States courts and criminal justice system, including but not limited to, participation in the criminal investigation or prosecution of the criminal activity of which the alien was a victim, and any civil proceedings related to family law, child custody, or other court proceeding stemming from the criminal activity;

(C) The likelihood that the perpetrator's family, friends, or others acting on behalf of the perpetrator in the home country would harm the applicant or the applicant's children;

(D) The applicant's needs for social, medical, mental health, or other supportive services for victims of crime that are unavailable or not reasonably accessible in the home country;

(E) Where the criminal activity involved arose in a domestic violence context, the existence of laws and social practices in the home country that punish the applicant or the applicant's child(ren) because they have been victims of domestic violence or have taken steps to leave an abusive household;

(F) The perpetrator's ability to travel to the home country and the ability and willingness of authorities in the home country to protect the applicant or the applicant's children; and

(G) The age of the applicant, both at the time of entry to the United States and at the time of application for adjustment of status; and

(v) Evidence, including a signed statement from the qualifying family member and other supporting documentation, to establish that discretion should be exercised in his or her favor. Although qualifying family members are not required to establish that they are admissible on any of the grounds set forth in section 212(a) of the Act other than on section 212(a)(3)(E) of the Act, USCIS may take into account all factors, including acts that would otherwise render the applicant inadmissible, in making its discretionary decision on the application. Where adverse factors are present, an applicant may offset these by submitting supporting documentation establishing mitigating equities that the applicant wants USCIS to consider when determining whether or not a favorable exercise of discretion is appropriate. Depending on the nature of the adverse factors, the applicant may be required to clearly demonstrate that the denial of adjustment of status would result in exceptional and extremely unusual hardship. Moreover, depending on the gravity of the adverse factors, such a showing might still be insufficient. For example, USCIS will generally not exercise its discretion favorably in cases where the applicant has committed or been convicted of a serious violent crime, a crime involving sexual abuse committed upon a child, or multiple drug-related crimes, or where there are security- or terrorism-related concerns.

(2) *Decision.* The decision to approve or deny a Form I-929 is a discretionary determination that lies solely within USCIS's jurisdiction. The Form I-929 for a qualifying family member may not be approved, however, until such time as the principal U-1 applicant's application for adjustment of status has been approved. After completing its review of the application and evidence, USCIS will issue a written decision and notify the applicant of that decision in writing.

(i) *Approvals.* (A) For qualifying family members who are outside of the United States, if the Form I-929 is approved, USCIS will forward notice of the approval either to the Department of State's National Visa Center so the applicant can apply to the consular

post for an immigrant visa, or to the appropriate port of entry for a visa exempt alien.

(B) For qualifying family members who are physically present in the United States, if the Form I-929 is approved, USCIS will forward notice of the approval to the U-1 principal applicant.

(i) *Denials.* If the Form I-929 is denied, the applicant will be notified in writing of the reason(s) for the denial in accordance with 8 CFR part 103. If an applicant chooses to appeal the denial to the Administrative Appeals Office pursuant to 8 CFR 103.3, the denial will not become final until the appeal is adjudicated. Denial of the U-1 principal applicant's application will result in the automatic denial of a qualifying family member's Form I-929. There shall be no appeal of such an automatic denial.

(1) *Application procedures for qualifying family members who are physically present in the United States to request adjustment of status.* (1) *Required documents.* Qualifying family members in the United States may request adjustment of status by submitting:

(i) Form I-485, Application to Register Permanent Residence or Adjust Status, in accordance with the form instructions;

(ii) An approved Form I-929, Petition for Qualifying Family Member of a U-1 Nonimmigrant;

(iii) The fee prescribed in 8 CFR 103.7(b)(1) or an application for a fee waiver; and

(iv) The biometric services fee as prescribed in 8 CFR 103.7(b)(1) or an application for a fee waiver.

(2) *Decision.* The decision to approve or deny Form I-485 is a discretionary determination that lies solely within USCIS's jurisdiction. After completing its review of the application and evidence, USCIS will issue a written decision approving or denying Form I-485 and notify the applicant of this decision in writing.

(i) *Approvals.* Upon approval of a Form I-485 under this section, USCIS shall record the alien's lawful admission for permanent residence as of the date of such approval.

(ii) *Denial.* Upon the denial of any application for adjustment of status, the

applicant will be notified in writing of the decision and the reason for the denial in accordance with 8 CFR part 103. If an applicant chooses to appeal the denial to the Administrative Appeals Office pursuant to the provisions of 8 CFR 103.3, the denial will not become final until the appeal is adjudicated. During the appeal period, the applicant may not obtain or renew employment authorization under 8 CFR 274a.12(c)(9). Denial of the U-1 principal applicant's application will result in the automatic denial of a qualifying family member's Form I-485; such an automatic denial is not appealable.

(j) *Effect of departure.* If an applicant for adjustment of status under this section departs the United States, he or she shall be deemed to have abandoned the application, and it will be denied. If, however, the applicant is not under exclusion, deportation, or removal proceedings, and he or she filed a Form I-131, Application for Travel Document, in accordance with the instructions on the form, or any other appropriate form, and was granted advance parole by USCIS for such absences, and was inspected and paroled upon returning to the United States, he or she will not be deemed to have abandoned the application. If the adjustment of status application of such an individual is subsequently denied, he or she will be treated as an applicant for admission subject to sections 212 and 235 of the Act. If an applicant for adjustment of status under this section is under exclusion, deportation, or removal proceedings, USCIS will deem the application for adjustment of status abandoned as of the moment of the applicant's departure from the United States.

(k) *Exclusive jurisdiction.* USCIS shall have exclusive jurisdiction over adjustment applications filed under section 245(m) of the Act.

(l) *Inapplicability of 8 CFR 245.1 and 245.2.* The provisions of 8 CFR 245.1 and 245.2 do not apply to aliens seeking adjustment of status under section 245(m) of the Act.

[73 FR 75560, Dec. 12, 2008; 74 FR 395, Jan. 6, 2009]

INA: ACT 212 - GENERAL CLASSES OF ALIENS INELIGIBLE TO RECEIVE VISAS AND INELIGIBLE FOR ADMISSION; WAIVERS OF INADMISSIBILITY

Sec. 212. [8 U.S.C. 1182]

(a) Classes of Aliens Ineligible for Visas or Admission.-Except as otherwise provided in this Act, aliens who are inadmissible under the following paragraphs are ineligible to receive visas and ineligible to be admitted to the United States:

(1) Health-related grounds.-

(A) In general.-Any alien-

(i) who is determined (in accordance with regulations prescribed by the Secretary of Health and Human Services) to have a communicable disease of public health significance; 1b/

(ii) 1/ except as provided in subparagraph (C) 1a/ who seeks admission as an immigrant, or who seeks adjustment of status to the status of an alien lawfully admitted for permanent residence, and who has failed to present documentation of having received vaccination against vaccine-preventable diseases, which shall include at least the following diseases: mumps, measles, rubella, polio, tetanus and diphtheria toxoids, pertussis, influenza type B and hepatitis B, and any other vaccinations against vaccine-preventable diseases recommended by the Advisory Committee for Immunization Practices,

(iii) who is determined (in accordance with regulations prescribed by the Secretary of Health and Human Services in consultation with the Attorney General)-

(I) to have a physical or mental disorder and behavior associated with the disorder that may pose, or has posed, a threat to the property, safety, or welfare of the alien or others, or

(II) to have had a physical or mental disorder and a history of behavior associated with the disorder, which behavior has posed a threat to the property, safety, or welfare of the alien or others and which behavior is likely to recur or to lead to other harmful behavior, or

(iv) who is determined (in accordance with regulations prescribed by the Secretary of Health and Human Services) to be a drug abuser or addict, is inadmissible.

(B) Waiver authorized.-For provision authorizing waiver of certain clauses of subparagraph (A), see subsection (g).

(C) 1/ EXCEPTION FROM IMMUNIZATION REQUIREMENT FOR ADOPTED CHILDREN 10 YEARS OF AGE OR YOUNGER.--Clause (ii) of subparagraph (A) shall not apply to a child who--

(i) is 10 years of age or younger,

(ii) is described in section 101(b)(1)(F), and

(iii) is seeking an immigrant visa as an immediate relative under section 201(b), if, prior to the admission of the child, an adoptive parent or prospective adoptive parent of the child, who has sponsored the child for admission as an immediate relative, has executed an affidavit stating that the parent is aware of the provisions of subparagraph (A)(ii) and will ensure that, within 30 days of the child's admission, or at the earliest time that is medically appropriate, the child will receive the vaccinations identified in such subparagraph.

(2) Criminal and related grounds.-

(A) Conviction of certain crimes.-

(i) In general.-Except as provided in clause (ii), any alien convicted of, or who admits having committed, or who admits committing acts which constitute the essential elements of-

(I) a crime involving moral turpitude (other than a purely political offense or an attempt or conspiracy to commit such a crime), or

(II) a violation of (or a conspiracy or attempt to violate) any law or regulation of a State, the United States, or a foreign country relating to a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), is inadmissible.

(ii) Exception.-Clause (i)(I) shall not apply to an alien who committed only one crime if-

(I) the crime was committed when the alien was under 18 years of age, and the crime was committed (and the alien released from any confinement to a prison or correctional institution imposed for the crime) more than 5 years before the date of application for a visa or other documentation and the date of application for admission to the United States, or

(II) the maximum penalty possible for the crime of which the alien was convicted (or which the alien admits having committed or of which the acts that the alien admits having committed constituted the essential elements) did not exceed imprisonment for one year and, if the alien was convicted of such crime, the alien was not sentenced to a term of imprisonment in excess of 6 months (regardless of the extent to which the sentence was ultimately executed).

(B) Multiple criminal convictions.-Any alien convicted of 2 or more offenses (other than purely political offenses), regardless of whether the conviction was in a single trial or whether the offenses arose from a single scheme of misconduct and regardless of whether the offenses involved moral turpitude, for which the aggregate sentences to confinement 2/ were 5 years or more is inadmissible.

(C) 2a/ CONTROLLED SUBSTANCE TRAFFICKERS- Any alien who the consular officer or the Attorney General knows or has reason to believe--

(i) is or has been an illicit trafficker in any controlled substance or in any listed chemical (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), or is or has been a knowing aider, abettor, assister, conspirator, or colluder with others in the illicit trafficking in any such controlled or listed substance or chemical, or endeavored to do so; or

(ii) is the spouse, son, or daughter of an alien inadmissible under clause (i), has, within the previous 5 years, obtained any financial or other benefit from the illicit activity of that alien, and knew or reasonably should have known that the financial or other benefit was the product of such illicit activity, is inadmissible.

(D) Prostitution and commercialized vice.-Any alien who-

(i) is coming to the United States solely, principally, or incidentally to engage in prostitution, or has engaged in prostitution within 10 years of the date of application for a visa, admission, or adjustment of status,

(ii) directly or indirectly procures or attempts to procure, or (within 10 years of the date of application for a visa, admission, or adjustment of status) procured or attempted to procure or to import, prostitutes or persons for the purpose of prostitution, or receives or (within such 10- year period) received, in whole or in part, the proceeds of prostitution, or

(iii) is coming to the United States to engage in any other unlawful commercialized vice, whether or not related to prostitution, is inadmissible.

(E) Certain aliens involved in serious criminal activity who have asserted immunity from prosecution.-Any alien-

(i) who has committed in the United States at any time a serious criminal offense (as defined in section **101(h)**),

(ii) for whom immunity from criminal jurisdiction was exercised with respect to that offense,

(iii) who as a consequence of the offense and exercise of immunity has departed from the United States, and

(iv) who has not subsequently submitted fully to the jurisdiction of the court in the United States having jurisdiction with respect to that offense, is inadmissible.

(F) Waiver authorized.-For provision authorizing waiver of certain subparagraphs of this paragraph, see subsection (h).

(G) 2b/ 2c/ FOREIGN GOVERNMENT OFFICIALS WHO HAVE COMMITTED PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM- Any alien who, while serving as a foreign government official, was responsible for or directly carried out, at any

time, particularly severe violations of religious freedom, as defined in section 3 of the International Religious Freedom Act of 1998 (22 U.S.C. 6402), is inadmissible.

(H) 2bb / SIGNIFICANT TRAFFICKERS IN PERSONS-

(i) IN GENERAL- Any alien who commits or conspires to commit human trafficking offenses in the United States or outside the United States, 42/ or who the consular officer, the Secretary of Homeland Security, the Secretary of State, 42/ or the Attorney General knows or has reason to believe is or has been a knowing aider, abettor, assister, conspirator, or colluder with such a trafficker in severe forms of trafficking in persons, as defined in the section 103 of such Act, is inadmissible.

(ii) BENEFICIARIES OF TRAFFICKING- Except as provided in clause (iii), any alien who the consular officer or the Attorney General knows or has reason to believe is the spouse, or daughter of an alien inadmissible under clause (i), has, within the previous 5 years, obtained any financial or other benefit from the illicit activity of that alien, and knew or reasonably should have known that the financial or other benefit was the product of such illicit activity, is inadmissible.

(iii) EXCEPTION FOR CERTAIN SONS AND DAUGHTERS- Clause (ii) shall not apply to a son or daughter who was a child at the time he or she received the benefit described in such clause.

(I) 2bbb / MONEY LAUNDERING- Any alien--

(i) who a consular officer or the Attorney General knows, or has reason to believe, has engaged, is engaging, or seeks to enter the United States to engage, in an offense which is described in section 1956 or 1957 of title 18, United States Code (relating to laundering of monetary instruments); or

(ii) who a consular officer or the Attorney General knows is, or has been, a knowing aider, abettor, assister, conspirator, or colluder with others in an offense which is described in such section; is inadmissible.

(3) Security and related grounds.-

(A) In general.-Any alien who a consular officer or the Attorney General knows, or has reasonable ground to believe, seeks to enter the United States to engage solely, principally, or incidentally in-

(i) any activity (I) to violate any law of the United States relating to espionage or sabotage or (II)

to violate or evade any law prohibiting the export from the United States of goods, technology, or sensitive information,

(ii) any other unlawful activity, or

(iii) any activity a purpose of which is the opposition to, or the control or overthrow of, the Government of the United States by force, violence, or other unlawful means, is inadmissible.

(B) Terrorist activities-

(i) 3/ 4/ 4a/ IN GENERAL.-Any alien who-

(I) has engaged in a terrorist activity,

(II) a consular officer, the Attorney General, or the Secretary of Homeland Security knows, or has reasonable ground to believe, is engaged in or is likely to engage after entry in any terrorist activity (as defined in clause (iv));

(III) has, under circumstances indicating an intention to cause death or serious bodily harm, incited terrorist activity;

(IV) is a representative (as defined in clause (v)) of--

(aa) a terrorist organization (as defined in clause (vi)); or

(bb) a political, social, or other group that endorses or espouses terrorist activity;

(V) is a member of a terrorist organization described in subclause (I) or (II) of clause (vi);

(VI) is a member of a terrorist organization described in clause (vi)(III), unless the alien can demonstrate by clear and convincing evidence that the alien did not know, and should not reasonably have known, that the organization was a terrorist organization;

(VII) endorses or espouses terrorist activity or persuades others to endorse or espouse terrorist activity or support a terrorist organization;

(VIII) has received military-type training (as defined in section 2339D(c)(1) of title 18, United States Code) from or on behalf of any organization that, at the time the training was received, was a terrorist organization (as defined in clause (vi)); or

(IX) is the spouse or child of an alien who is inadmissible under this subparagraph, if the activity causing the alien to be found inadmissible occurred within the last 5 years, is inadmissible.

4/(ii) EXCEPTION- Subclause (IX) 4d/ of clause(i) does not apply to a spouse or child--

(I) who did not know or should not reasonably have known of the activity causing the alien to be found inadmissible under this section; or

(II) whom the consular officer or Attorney General has reasonable grounds to believe has renounced the activity causing the alien to be found inadmissible under this section.

4/ (iii) TERRORIST ACTIVITY DEFINED.-As used in this Act, the term "terrorist activity" means any activity which is unlawful under the laws of the place where it is committed (or which, if 4/ it had been committed in the United States, would be unlawful under the laws of the United States or any State) and which involves any of the following:

(I) The hijacking or sabotage of any conveyance (including an aircraft, vessel, or vehicle).

(II) The seizing or detaining, and threatening to kill, injure, or continue to detain, another individual in order to compel a third person (including a governmental organization) to do or abstain from doing any act as an explicit or implicit condition for the release of the individual seized or detained.

(III) A violent attack upon an internationally protected person (as defined in section 1116(b)(4) of title 18, United States Code) or upon the liberty of such a person.

(IV) An assassination.

(V) The use of any-

(aa) biological agent, chemical agent, or nuclear weapon or device, or

(bb) explosive, 4/ firearm, or other weapon or dangerous device (other than for mere personal monetary gain), with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property.

(VI) A threat, attempt, or conspiracy to do any of the foregoing.

(iv) 4/ 4b/ ENGAGE IN TERRORIST ACTIVITY DEFINED- As used in this chapter, the term "engage in terrorist activity" means, in an individual capacity or as a member of an organization-

(I) to commit or to incite to commit, under circumstances indicating an intention to cause death or serious bodily injury, a terrorist activity;

(II) to prepare or plan a terrorist activity;

(III) to gather information on potential targets for terrorist activity;

(IV) to solicit funds or other things of value for--

(aa) a terrorist activity;

(bb) a terrorist organization described in clause (vi)(I) or (vi)(II); or

(cc) a terrorist organization described in clause (vi)(III), unless the solicitor can demonstrate by clear and convincing evidence that he did not know, and should not reasonably have known, that the organization was a terrorist organization;

(V) to solicit any individual--

(aa) to engage in conduct otherwise described in this subsection;

(bb) for membership in a terrorist organization described in clause (vi)(I) or (vi)(II); or

(cc) for membership in a terrorist organization described in clause (vi)(III) unless the solicitor can demonstrate by clear and convincing evidence that he did not know, and should not reasonably have known, that the organization was a terrorist organization; or

(VI) to commit an act that the actor knows, or reasonably should know, affords material support, including a safe house, transportation, communications, funds, transfer of funds or other

material financial benefit, false documentation or identification, weapons (including chemical, biological, or radiological weapons), explosives, or training--

(aa) for the commission of a terrorist activity;

(bb) to any individual who the actor knows, or reasonably should know, has committed or plans to commit a terrorist activity;

(cc) to a terrorist organization described in subclause (I) or (II) of clause (vi) or to any member of such an organization; or

(dd) to a terrorist organization described in clause (vi)(III), or to any member of such an organization, unless the actor can demonstrate by clear and convincing evidence that the actor did not know, and should not reasonably have known, that the organization was a terrorist organization.

5/ (v) REPRESENTATIVE DEFINED.-As used in this paragraph, the term "representative" includes an officer, official, or spokesman of an organization, and any person who directs, counsels, commands, or induces an organization or its members to engage in terrorist activity.

(vi) 5a/ 4c TERRORIST ORGANIZATION DEFINED- As used in this section, the term 'terrorist organization' means an organization-

(I) designated under section 219;

(II) otherwise designated, upon publication in the Federal Register, by the Secretary of State in consultation with or upon the request of the Attorney General or the Secretary of Homeland Security, as a terrorist organization, after finding that the organization engages in the activities described in subclauses (I) through (VI) of clause (iv); or

(III) that is a group of two or more individuals, whether organized or not, which engages in, or has a subgroup which engages in, the activities described in subclauses (I) through (VI) of clause (iv).

(C) Foreign policy.-

(i) In general.-An alien whose entry or proposed activities in the United States the Secretary of State has reasonable ground to believe would have potentially serious adverse foreign policy consequences for the United States is inadmissible.

(ii) Exception for officials.-An alien who is an official of a foreign government or a purported government, or who is a candidate for election to a foreign government office during the period immediately preceding the election for that office, shall not be excludable or subject to restrictions or conditions on entry into the United States under clause (i) solely because of the alien's past, current, or expected beliefs, statements, or associations, if such beliefs, statements, or associations would be lawful within the United States.

(iii) Exception for other aliens.-An alien, not described in clause (ii), shall not be excludable or subject to restrictions or conditions on entry into the United States under clause (i) because of the alien's past, current, or expected beliefs, statements, or associations, if such beliefs, statements, or associations would be lawful within the United States, unless the Secretary of State personally determines that the alien's admission would compromise a compelling United States foreign policy interest.

(iv) Notification of determinations.-If a determination is made under clause (iii) with respect to an alien, the Secretary of State must notify on a timely basis the chairmen of the Committees on the Judiciary and Foreign Affairs of the House of Representatives and of the Committees on the Judiciary and Foreign Relations of the Senate of the identity of the alien and the reasons for the determination.

(D) Immigrant membership in totalitarian party.-

(i) In general.-Any immigrant who is or has been a member of or affiliated with the Communist or any other totalitarian party (or subdivision or affiliate thereof), domestic or foreign, is inadmissible.

(ii) Exception for involuntary membership.-Clause (i) shall not apply to an alien because of membership or affiliation if the alien establishes to the satisfaction of the consular officer when applying for a visa (or to the satisfaction of the Attorney General when applying for admission) that the membership or affiliation is or was involuntary, or is or was solely when under 16 years of age, by operation of law, or for purposes of obtaining employment, food rations, or other essentials of living and whether necessary for such purposes.

(iii) Exception for past membership.-Clause (i) shall not apply to an alien because of membership or affiliation if the alien establishes to the satisfaction of the consular officer when applying for a visa (or to the satisfaction of the Attorney General when applying for admission) that-

(I) the membership or affiliation terminated at least-

(aa) 2 years before the date of such application, or

(bb) 5 years before the date of such application, in the case of an alien whose membership or affiliation was with the party controlling the government of a foreign state that is a totalitarian dictatorship as of such date, and

(II) the alien is not a threat to the security of the United States.

(iv) Exception for close family members.-The Attorney General may, in the Attorney General's discretion, waive the application of clause (i) in the case of an immigrant who is the parent, spouse, son, daughter, brother, or sister of a citizen of the United States or a spouse, son, or daughter of an alien lawfully admitted for permanent residence for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest if the immigrant is not a threat to the security of the United States.

(E) 5aaa/ PARTICIPANTS IN NAZI PERSECUTION, GENOCIDE, OR THE COMMISSION OF ANY ACT OF TORTURE OR EXTRAJUDICIAL KILLING

(i) Participation in nazi persecutions.-Any alien who, during the period beginning on March 23, 1933, and ending on May 8, 1945, under the direction of, or in association with-

(I) the Nazi government of Germany,

(II) any government in any area occupied by the military forces of the Nazi government of Germany,

(III) any government established with the assistance or cooperation of the Nazi government of Germany, or

(IV) any government which was an ally of the Nazi government of Germany, ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion is inadmissible.

(ii) Participation in genocide.-Any alien who 5aaa/ ordered, incited, assisted, or otherwise participated 5ab/ in genocide, as defined in section 1091(a) of title 18, United States Code, is inadmissible.

(iii) 5aaa/ COMMISSION OF ACTS OF TORTURE OR EXTRAJUDICIAL KILLINGS- Any alien who, outside the United States, has committed, ordered, incited, assisted, or otherwise participated in the commission of--

(I) any act of torture, as defined in section 2340 of title 18, United States Code; or

(II) under color of law of any foreign nation, any extrajudicial killing, as defined in section 3(a) of the Torture Victim Protection Act of 1991 (28 U.S.C. 1350 note), is inadmissible.

5aa/ (F) ASSOCIATION WITH TERRORIST ORGANIZATIONS- Any alien who the Secretary of State, after consultation with the Attorney General, or the Attorney General, after consultation

with the Secretary of State, determines has been associated with a terrorist organization and intends while in the United States to engage solely, principally, or incidentally in activities that could endanger the welfare, safety, or security of the United States is inadmissible.

(G) 41/ RECRUITMENT OR USE OF CHILD SOLDIERS- Any alien who has engaged in the recruitment or use of child soldiers in violation of section 2442 of title 18, United States Code, is inadmissible.

(4) Public charge.-

(A) In general.-Any alien who, in the opinion of the consular officer at the time of application for a visa, or in the opinion of the Attorney General at the time of application for admission or adjustment of status, is likely at any time to become a public charge is inadmissible. 6/

(B) Factors to be taken into account.- (i) In determining whether an alien is excludable under this paragraph, the consular officer or the Attorney General shall at a minimum consider the alien's-

(I) age;

(II) health;

(III) family status;

(IV) assets, resources, and financial status; and

(V) education and skills

(ii) In addition to the factors under clause (i), the consular officer or the Attorney General may also consider any affidavit of support under section 213A for purposes of exclusion under this paragraph.

(C) Family-Sponsored immigrants.-Any alien who seeks admission or adjustment of status under a visa issued under section 201(b)(2) or 203(a) is excludable under this paragraph unless-

(i) the alien has obtained-

(I) status as a spouse or a child of a United States citizen pursuant to clause (ii), (iii), or (iv) or section 204(a)(1)(A), or

(II) classification pursuant to clause (ii) or (iii) of section 204(a)(1)(B); 6aa/

(III) 6aa/ classification or status as a VAWA self-petitioner; or

(ii) the person petitioning for the alien's admission 6a/ (and any additional sponsor required under section 213A(f) or any alternative sponsor permitted under paragraph (5)(B) of such section) has executed an affidavit of support described in section 213A with respect to such alien.

(D) Certain employment-based immigrants.-Any alien who seeks admission or adjustment of status under a visa number issued under section 203(b) by virtue of a classification petition filed by a relative of the alien (or by an entity in which such relative has a significant ownership interest) is excludable under this paragraph unless such relative has executed an affidavit of support described in section 213A with respect to such alien.

(5) Labor certification and qualifications for certain immigrants.-

(A) Labor certification.-

(i) In general.-Any alien who seeks to enter the United States for the purpose of performing skilled or unskilled labor is inadmissible, unless the Secretary of Labor has determined and certified to the Secretary of State and the Attorney General that-

(I) there are not sufficient workers who are able, willing, qualified (or equally qualified in the case of an alien described in clause (ii)) and available at the time of application for a visa and admission to the United States and at the place where the alien is to perform such skilled or unskilled labor, and

(II) the employment of such alien will not adversely affect the wages and working conditions of workers in the United States similarly employed.

(ii) Certain aliens subject to special rule.-For purposes of clause (i)(I), an alien described in this clause is an alien who-

(I) is a member of the teaching profession, or

(II) has exceptional ability in the sciences or the arts.

(iii) 7/ PROFESSIONAL ATHLETES-

(I) In general.-A certification made under clause (i) with respect to a professional athlete shall remain valid with respect to the athlete after the athlete changes employer, if the new employer is a team in the same sport as the team which employed the athlete when the athlete first applied for certification.

(II) Definition.-For purposes of subclause (I), the term "professional athlete" means an individual who is employed as an athlete by-

(aa) a team that is a member of an association of 6 or more professional sports teams whose total combined revenues exceed \$10,000,000 per year, if the association governs the conduct of its members and regulates the contests and exhibitions in which its member teams regularly engage; or

(bb) any minor league team that is affiliated with such an association.

(iv) 7I LONG DELAYED ADJUSTMENT APPLICANTS- A certification made under clause (i) with respect to an individual whose petition is covered by section 204(j) shall remain valid with respect to a new job accepted by the individual after the individual changes jobs or employers if the new job is in the same or a similar occupational classification as the job for which the certification was issued.

(B) Unqualified physicians.-An alien who is a graduate of a medical school not accredited by a body or bodies approved for the purpose by the Secretary of Education (regardless of whether such school of medicine is in the United States) and who is coming to the United States principally to perform services as a member of the medical profession is inadmissible, unless the alien (i) has passed parts I and II of the National Board of Medical Examiners Examination (or an equivalent examination as determined by the Secretary of Health and Human Services) and (ii) is competent in oral and written English. For purposes of the previous sentence, an alien who is a graduate of a medical school shall be considered to have passed parts I and II of the National Board of Medical Examiners if the alien was fully and permanently licensed to practice medicine in a State on January 9, 1978, and was practicing medicine in a State on that date.

(C) Uncertified foreign health-care workers 7a/ Subject to subsection (r), any alien who seeks to enter the United States for the purpose of performing labor as a health-care worker, other than a physician, is excludable unless the alien presents to the consular officer, or, in the case of an adjustment of status, the Attorney General, a certificate from the Commission on Graduates of Foreign Nursing Schools, or a certificate from an equivalent independent credentialing organization approved by the Attorney General in consultation with the Secretary of Health and Human Services, verifying that-

(i) the alien's education, training, license, and experience-

(I) meet all applicable statutory and regulatory requirements for entry into the United States under the classification specified in the application;

(II) are comparable with that required for an American health-care worker of the same type; and

(III) are authentic and, in the case of a license, unencumbered;

(ii) the alien has the level of competence in oral and written English considered by the Secretary of Health and Human Services, in consultation with the Secretary of Education, to be appropriate for health care work of the kind in which the alien will be engaged, as shown by an appropriate score on one or more nationally recognized, commercially available, standardized assessments of the applicant's ability to speak and write; and

(iii) if a majority of States licensing the profession in which the alien intends to work recognize a test predicting the success on the profession's licensing or certification examination, the alien has passed such a test, or has passed such an examination.

For purposes of clause (ii), determination of the standardized tests required and of the minimum scores that are appropriate are within the sole discretion of the Secretary of Health and Human Services and are not subject to further administrative or judicial review.

(D) Application of grounds.-The grounds of inadmissibility of aliens under subparagraphs (A) and (B) shall apply to immigrants seeking admission or adjustment of status under paragraph (2) or (3) of section 203(b).

(6) Illegal entrants and immigration violators.-

(A) 8/ALIENS PRESENT WITHOUT admission or parole.-

(i) In general.-An alien present in the United States without being admitted or paroled, or who arrives in the United States at any time or place other than as designated by the Attorney General, is inadmissible.

(ii) Exception for certain battered women and children.-Clause (i) shall not apply to an alien who demonstrates that-

(I) the alien is a VAWA self-petitioner; 6aa/

(II)(a) the alien has been battered or subjected to extreme cruelty by a spouse or parent, or by a member of the spouse's or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty, or (b) the alien's child has been battered or subjected to extreme cruelty by a spouse or parent of the alien (without the active participation of the alien in the battery or cruelty) or by a member of the spouse's or parent's family residing in the same household as the alien when the spouse or parent consented to or acquiesced in such battery or cruelty and the alien did not actively participate in such battery or cruelty, and

(III) there was a substantial connection between the battery or cruelty described in subclause (I) or (II) and the alien's unlawful entry into the United States.

(B) Failure to attend removal proceeding.-Any alien who without reasonable cause fails or refuses to attend or remain in attendance at a proceeding to determine the alien's inadmissibility or deportability and who seeks admission to the United States within 5 years of such alien's subsequent departure or removal is inadmissible.

(C) Misrepresentation.-

(i) In general.-Any alien who, by fraud or willfully misrepresenting a material fact, seeks to procure (or has sought to procure or has procured) a visa, other documentation, or admission into the United States or other benefit provided under this Act is inadmissible.

(ii) 9/ FALSELY CLAIMING CITIZENSHIP-

(I) IN GENERAL- Any alien who falsely represents, or has falsely represented, himself or herself to be a citizen of the United States for any purpose or benefit under this Act (including section 274A) or any other Federal or State law is inadmissible.

(II) EXCEPTION- In the case of an alien making a representation described in subclause (I), if each natural parent of the alien (or, in the case of an adopted alien, each adoptive parent of the alien) is or was a citizen (whether by birth or naturalization), the alien permanently resided in the United States prior to attaining the age of 16, and the alien reasonably believed at the time of making such representation that he or she was a citizen, the alien shall not be considered to be inadmissible under any provision of this subsection based on such representation.

(iii) Waiver authorized.-For provision authorizing waiver of clause (i), see subsection (I).

(D) Stowaways.-Any alien who is a stowaway is inadmissible.

(E) Smugglers.-

(i) In general.-Any alien who at any time knowingly has encouraged, induced, assisted, abetted, or aided any other alien to enter or to try to enter the United States in violation of law is inadmissible.

(ii) Special rule in the case of family reunification.-Clause (i) shall not apply in the case of alien who is an eligible immigrant (as defined in section 301(b)(1) of the Immigration Act of 1990), was physically present in the United States on May 5, 1988, and is seeking admission as an immediate relative or under section 203(a)(2) (including under section 112 of the Immigration Act of 1990) or benefits under section 301(a) of the Immigration Act of 1990 if the alien, before May 5, 1988, has encouraged, induced, assisted, abetted, or aided only the alien's spouse, parent, son, or daughter (and no other individual) to enter the United States in violation of law.

(iii) Waiver authorized.-For provision authorizing waiver of clause (i), see subsection (d)(11).

(F) Subject of civil penalty.-

(i) In general.-An alien who is the subject of a final order for violation of section 274C is inadmissible.

(ii) Waiver authorized.-For provision authorizing waiver of clause (i), see subsection (d)(12). 10/

(G) Student visa abusers.-An alien who obtains the status of a nonimmigrant under section 101(a)(15)(F)(i) and who violates a term or condition of such status under section 214(I) is excludable until the alien has been outside the United States for a continuous period of 5 years after the date of the violation. 11/

(7) Documentation requirements.-

(A) Immigrants.-

(i) In general.-Except as otherwise specifically provided in this Act, any immigrant at the time of application for admission-

(I) who is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing identification card, or other valid entry document required by this Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality if such document is required under the regulations issued by the Attorney General under section 211(a), or

(II) whose visa has been issued without compliance with the provisions of section 203, is inadmissible.

(ii) Waiver authorized.-For provision authorizing waiver of clause (i), see subsection (k).

(B) Nonimmigrants.-

(i) In general.-Any nonimmigrant who-

(I) is not in possession of a passport valid for a minimum of six months from the date of the expiration of the initial period of the alien's admission or contemplated initial period of stay authorizing the alien to return to the country from which the alien came or to proceed to and enter some other country during such period, or

(II) is not in possession of a valid nonimmigrant visa or border crossing identification card at the time of application for admission, is inadmissible.

(ii) General waiver authorized.-For provision authorizing waiver of clause (i), see subsection (d)(4).

(iii) GUAM AND NORTHERN MARIANA ISLANDS VISA WAIVER- For provision authorizing waiver of clause (i) in the case of visitors to Guam or the Commonwealth of the Northern Mariana Islands, see subsection (l). 38/

(iv) VISA WAIVER 11a/ PROGRAM.-For authority to waive the requirement of clause (i) under a 11a/ program, see section 217.

(8) Ineligible for citizenship.-

(A) In general.-Any immigrant who is permanently ineligible to citizenship is inadmissible.

(B) Draft evaders.-Any person who has departed from or who has remained outside the United States to avoid or evade training or service in the armed forces in time of war or a period declared by the President to be a national emergency is inadmissible, except that this subparagraph shall not apply to an alien who at the time of such departure was a nonimmigrant and who is seeking to reenter the United States as a nonimmigrant.

(9) 12/ ALIENS PREVIOUSLY REMOVED.-

(A) Certain aliens previously removed.-

(i) Arriving aliens.-Any alien who has been ordered removed under section 235(b)(1) or at the end of proceedings under section 240 initiated upon the alien's arrival in the United States and who again seeks admission within 5 years of the date of such removal (or within 20 years in the case of a second or subsequent removal or at any time in the case of an alien convicted of an aggravated felony) is inadmissible.

(ii) Other aliens.-Any alien not described in clause (i) who-

(I) has been ordered removed under section 240 or any other provision of law, or

(II) departed the United States while an order of removal was outstanding, and who seeks admission within 10 years of the date of such alien's departure or removal (or within 20 years of such date in the case of a second or subsequent removal or at any time in the case of an alien convicted of an aggravated felony) is inadmissible.

(iii) Exception.-Clauses (i) and (ii) shall not apply to an alien seeking admission within a period if, prior to the date of the alien's reembarkation at a place outside the United States or attempt to be admitted from foreign contiguous territory, the Attorney General has consented to the alien's reapplying for admission.

(B) 13/ ALIENS UNLAWFULLY PRESENT.-

(i) In general.-Any alien (other than an alien lawfully admitted for permanent residence) who-

(I) was unlawfully present in the United States for a period of more than 180 days but less than 1 year, voluntarily departed the United States (whether or not pursuant to section 244(e)) prior to the commencement of proceedings under section 235(b)(1) or section 240, and again seeks admission within 3 years of the date of such alien's departure or removal, or

(II) has been unlawfully present in the United States for one year or more, and who again seeks admission within 10 years of the date of such alien's departure or removal from the United States, is inadmissible.

(ii) Construction of unlawful presence.-For purposes of this paragraph, an alien is deemed to be unlawfully present in the United States if the alien is present in the United States after the expiration of the period of stay authorized by the Attorney General or is present in the United States without being admitted or paroled.

(iii) Exceptions.-

(I) Minors.-No period of time in which an alien is under 18 years of age shall be taken into account in determining the period of unlawful presence in the United States under clause (I).

(II) Asylees.-No period of time in which an alien has a bona fide application for asylum pending under section 208 shall be taken into account in determining the period of unlawful presence in the United States under clause (i) unless the alien during such period was employed without authorization in the United States.

(III) Family unity.-No period of time in which the alien is a beneficiary of family unity protection pursuant to section 301 of the Immigration Act of 1990 14 shall be taken into account in determining the period of unlawful presence in the United States under clause (I).

(IV) Battered women and children.-Clause (i) shall not apply to an alien who would be described in paragraph (6)(A)(ii) if "violation of the terms of the alien's nonimmigrant visa" were substituted for "unlawful entry into the United States" in subclause (III) of that paragraph.

(V) 13a/ VICTIMS OF A SEVERE FORM OF TRAFFICKING IN PERSONS- Clause (i) shall not apply to an alien who demonstrates that the severe form of trafficking (as that term is defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)) was at least one central reason for the alien's unlawful presence in the United States.

(iv) Tolling for good cause.-In the case of an alien who-

(I) has been lawfully admitted or paroled into the United States,

(II) has filed a nonfrivolous application for a change or extension of status before the date of expiration of the period of stay authorized by the Attorney General, and

(III) has not been employed without authorization in the United States before or during the

pendency of such application, the calculation of the period of time specified in clause (i)(I) shall be tolled during the pendency of such application, but not to exceed 120 days.

(v) Waiver.-The Attorney General has sole discretion to waive clause (i) in the case of an immigrant who is the spouse or son or daughter of a United States citizen or of an alien lawfully admitted for permanent residence, if it is established to the satisfaction of the Attorney General that the refusal of admission to such immigrant alien would result in extreme hardship to the citizen or lawfully resident spouse or parent of such alien. No court shall have jurisdiction to review a decision or action by the Attorney General regarding a waiver under this clause.

(C) Aliens unlawfully present after previous immigration violations.-

(i) In general.-Any alien who-

(I) has been unlawfully present in the United States for an aggregate period of more than 1 year, or

(II) has been ordered removed under section 235(b)(1), section 240, or any other provision of law, and who enters or attempts to reenter the United States without being admitted is inadmissible.

(ii) Exception.-Clause (i) shall not apply to an alien seeking admission more than 10 years after the date of the alien's last departure from the United States if, prior to the alien's reembarkation at a place outside the United States or attempt to be readmitted from a foreign contiguous territory, 14a/ 6aa/ the Secretary of Homeland Security has consented to the alien's reapplying for admission.

(iii) 6aa/ WAIVER- The Secretary of Homeland Security may waive the application of clause (i) in the case of an alien who is a VAWA self-petitioner if there is a connection between--

(I) the alien's battering or subjection to extreme cruelty; and

(II) the alien's removal, departure from the United States, reentry or reentries into the United States; or attempted reentry into the United States.

(10) 15/ MISCELLANEOUS.-

(A) Practicing polygamists.-Any immigrant who is coming to the United States to practice polygamy is inadmissible.

(B) Guardian required to accompany helpless alien.-Any alien-

(i) who is accompanying another alien who is inadmissible and who is certified to be helpless from sickness, mental or physical disability, or infancy pursuant to section 232(c), and

(ii) whose protection or guardianship is determined to be required by the alien described in clause (I), is inadmissible. 16/

(C) International child abduction.-

(i) In general.-Except as provided in clause (ii), any alien who, after entry of an order by a court in the United States granting custody to a person of a United States citizen child who detains or retains the child, or withholds custody of the child, outside the United States from the person granted custody by that order, is inadmissible until the child is surrendered to the person granted custody by that order.

16a / (ii) ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS. -- Any alien who--

(I) is known by the Secretary of State to have intentionally assisted an alien in the conduct described in clause (i),

(II) is known by the Secretary of State to be intentionally providing material support or safe haven to an alien described in clause (i), or

(III) is a spouse (other than the spouse who is the parent of the abducted child), child (other than the abducted child), parent, sibling, or agent of an alien described in clause (i), if such person has been designated by the Secretary of State at the Secretary's sole and unreviewable discretion, is inadmissible until the child described in clause (i) is surrendered to the person granted custody by the order described in that clause, and such person and child are permitted to return to the United States or such person's place of residence.

(iii) EXCEPTIONS. -- Clauses (i) and (ii) shall not apply--

(I) to a government official of the United States who is acting within the scope of his or her official duties;

(II) to a government official of any foreign government if the official has been designated by the Secretary of State at the Secretary's sole and unreviewable discretion; or

(III) so long as the child is located in a foreign state that is a party to the Convention on the Civil Aspects of International Child Abduction, done at The Hague on October 25, 1980.

(D) 17/ UNLAWFUL VOTERS-

(i) IN GENERAL- Any alien who has voted in violation of any Federal, State, or local constitutional provision, statute, ordinance, or regulation is inadmissible.

(ii) EXCEPTION- In the case of an alien who voted in a Federal, State, or local election (including an initiative, recall, or referendum) in violation of a lawful restriction of voting to citizens, if each natural parent of the alien (or, in the case of an adopted alien, each adoptive parent of the alien) is or was a citizen (whether by birth or naturalization), the alien permanently resided in the United States prior to attaining the age of 16, and the alien reasonably believed at the time of such violation that he or she was a citizen, the alien shall not be considered to be inadmissible under any provision of this subsection based on such violation.

(E) Former citizens who renounced citizenship to avoid taxation.-Any alien who is a former citizen of the United States who officially renounces United States citizenship and who is determined by the Attorney General to have renounced United States citizenship for the purpose of avoiding taxation by the United States is excludable. 18/

Act 212(b)

(b) Notices of Denials.- (1) Subject to paragraphs (2) and (3) if an alien's application for a visa, for admission to the United States, or for adjustment of status is denied by an immigration or consular officer because the officer determines the alien to be inadmissible under subsection (a), the officer shall provide the alien with a timely written notice that-

(A) states the determination, and

(B) lists the specific provision or provisions of law under which the alien is inadmissible 19/ or adjustment of status.

(2) The Secretary of State may waive the requirements of paragraph (1) with respect to a particular alien or any class or classes of inadmissible aliens.

(3) Paragraph (1) does not apply to any alien inadmissible under paragraph (2) or (3) of subsection (a).

(c) 20/ Aliens lawfully admitted for permanent residence who temporarily proceeded abroad voluntarily and not under an order of deportation, and who are returning to a lawful

SECTION 2

ATTORNEY RESOURCES

- **Overview of U Visa Adjustments**
- **Suggested Steps for U Visa Adjustment Representation**
- **U Visa Adjustment Screening Sheet**
- **Filing Checklist for U-1 Adjustment Application**
- **Filing Checklist for Derivative Adjustment Application**
- **Poverty Guidelines**
- **USCIS Contact Information**



U Visa Adjustment of Status Overview¹

Individuals who were granted U Visa status (as either a primary or derivative applicant) are eligible to adjust their status to Lawful Permanent Residency, and obtain a green card, if the individual submits an application showing that the following conditions have been met:

1. The applicant was granted U Visa status (U-1, U-2, U-3, U-4, or U-5 status);
2. The applicant continues to hold U Visa status;
3. The applicant has been physically present in the United States for a continuous period of at least three years since being admitted to the United States in U Nonimmigrant Status;
4. The applicant has not unreasonably refused to provide assistance to a law enforcement agency or official that had responsibility for the investigation or prosecution of persons in connection with the qualifying crime from the underlying U Visa;
5. The applicant is not inadmissible under INA 212(a)(3)(E), involving Nazi persecution, genocide, torture]; *and*
6. The applicant's continued presence in the United States is justified on humanitarian grounds, to ensure family unity, or is otherwise in the public interest.

These requirements are outlined in INA § 245(m) and 8 CFR § 245.24(b). It is important to note that U Visa holders who are seeking adjustment of status are subject *only* to subsection INA § 245(m). Other sections of the statute, such as INA § 245(a) and INA § 245(c), which pertain to adjustment of status for other individuals and include more restrictive requirements, are not applicable to U Visa applicants who are seeking to adjust status.

¹ These materials have been created by the Immigrant Law Center of Minnesota Pro Bono Project as training resource for ILCM Pro Bono Attorneys. They are not to be used or distributed for other purposes. The materials are intended to be used in conjunction with ILCM's U Visa Adjustment training video, manual, and the guidance and legal updates provided by ILCM. Also, please note that these materials do not address U Visa Adjustments for individuals who received interim relief.

I. Holding U Visa Status

The most fundamental requirement for U Visa adjustment of status is that the applicant was in fact granted U Visa status and continues to hold such status.

A. Granted U Visa Status

To confirm that the applicant was granted U Visa status one can simply refer to the applicant's I-918 or I-918A Approval Notice and/or Employment Authorization Document (EAD). If granted U Visa status the applicant's I-918 or I-918A Approval Notice should list the individual's "Class" as U-1, U-2, U-3, U-4, or U-5. Likewise, on the applicant's EAD the "Category" should be either (a)(19) or (a)(20).²

B. Currently Valid Status

Once you have determined that the applicant was in fact granted U Visa status the next step is to make sure that he or she continues to hold that status. This entails a two part test. First, the applicant's status must not be expired. Second, the applicant's status must not have been revoked.

i. U Visa Status Not Expired

An individual's application for U Visa adjustment of status **MUST** be received by the Vermont Service Center before the applicant's U Visa status has expired. To determine the expiration date of the applicant's U Visa status you can look to the applicant's I-918 or I-918A Approval Notice. The Approval Notice lists the type of status granted and then says "Valid From: _____ To _____."

If the status is no longer valid double check to see if the applicant has ever applied for and been granted an extension of his or her U Visa status through an I-539 application. Although this is not common it should be investigated if it appears that the applicant's status is expired or close to expiring. If the applicant was granted an extension of U Visa status at any point the original I-918 or I-918A Approval Notice will not properly reflect the full term of the applicant's U Visa status. Instead, you should refer to the applicant's I-539 Approval Notice, and/or updated EAD, which will indicate the term of any extension that USCIS granted the applicant.

² The category (a)(19) is for principal U applicants, and the category (a)(20) is for derivative U applicants. Please note that applicants who were deemed eligible for U Visa status, but have only been granted deferred action status (category (c)(14)) because no U Visas are currently available under the cap, have not yet been granted U Visa status and are not yet eligible to apply for adjustment of status.

ii. *U Visa Status Not Revoked*

Under 8 CFR § 245.24(c), an applicant is not eligible for U Visa adjustment if his or her U Visa status has been revoked. The grounds for revocation are listed in 8 CFR § 214.14(h). USCIS can revoke U Visa status if the certifying official withdraws or disavows in writing his or her I-918B certification, USCIS determines that the U Visa was issued in error, or USCIS determines that the U Visa was obtained by fraud.

There are also additional grounds of revocation that apply specifically to derivative applicants (U-2, U-3, U-4, or U-5 holders). For example, if the principal's status is revoked then the derivative's status can be subject to revocation as well. Second, a derivative's status could be revoked if his or her relationship to the principal applicant has been terminated. For instance, if the derivative was included on the underlying U Visa application as a spouse, was granted U-2 status, but then subsequently divorced the U-1 principal applicant, the qualifying relationship would be severed and there may be grounds for revocation of the derivative's status.³

If USCIS finds that a ground of revocation exists for a U Visa holder, the agency can issue a Notice of Intent to Revoke and then subsequently a Notice of Revocation. If an individual has received such a Notice then he or she is not eligible to apply for U Visa adjustment. If during your screening of a potential U Visa adjustment applicant you identify that he or she may fall under one of the grounds of revocation, but has NOT received a Notice of Intent to Revoke or a Notice of Revocation, we advise that you notify the client of the issue and contact the ILCM Pro Bono Coordinator for guidance on how to proceed with the filing.

II. **Continuous Physical Presence**

In order to be eligible for adjustment of status a U Visa holder must have been physically present in the United States for a continuous period of at least three years since being admitted to the United States in U Nonimmigrant Status.⁴ From a practical standpoint this requirement has two parts: 1) the applicant must have actually been admitted to the U.S. in U Nonimmigrant Status⁵, and 2) the applicant must have been continuously physically present for at least three years from that admission.

A. Admission in U Nonimmigrant Status

The first part of the test is the most straightforward. An individual who applied for U Visa status while living in the United States is considered to be admitted to the United States in

³ At one point it was thought that U-3 child derivatives who married *after being admitted into U Status*, but before adjustment, would sever their qualifying relative status and not be able to adjust. However, at this time it appears that these types of marriages will not affect the ability of a U-3 child to adjust.

⁴ INA 245 § (m)(1)(A); 8 CFR § 245.24(a)(1).

U Nonimmigrant Status when his or her U Visa application is approved. An individual who applied for U Visa status while abroad is considered to be admitted to the United States in U Nonimmigrant Status when he or she obtains a physical U Visa, traditionally via consular processing through the Department of State, and enters the United States. As a result, when calculating the term of continuous presence for a potential U Visa Adjustment, if you are dealing with an individual who was granted U Visa status while living in the United States the clock would start on the date U Visa status was granted. Alternatively, for an individual whose I-918 or I-918A was approved while he or she was abroad, the clock would start on the date they entered the United States with their U Visa.

B. Three Years Continuous Physical Presence

As noted above, to be eligible for adjustment of U Visa status an individual must have at least three years of continuous physical presence in the United States since the date of his or her admission to the U.S. in U Nonimmigrant status. Once the applicant has three years of continuous physical presence in the U.S. (starting from the date of admission in U nonimmigrant status) he or she is eligible to submit a U Visa adjustment application. Applications received before the three year mark will be denied. Once an applicant has reached the three year mark of continuous physical presence he or she must remain continuously present in the United States until he or she is granted Lawful Permanent Residence Status.

The continuity of physical presence will be considered broken if during the term of an applicant's U Visa status he or she departed from the United States for any single period in excess of 90 days or for any periods in the aggregate exceeding 180 days. As a result, if an applicant has any single trip abroad that last more than 90 days, or time abroad that totals more than 180 days, during the term of his or her U Visa then the applicant will not be eligible to adjust status. The only exception to this rule is if the travel was necessary to assist in the investigation or prosecution of the qualifying crime from the underlying U Visa.

III. Cooperation

In order to be eligible for adjustment of status a U Visa holder must not have unreasonably refused to assist an official or law enforcement agency that had the responsibility for the investigation or prosecution of the qualifying crime from the underlying U Visa.⁶ This requirement applies to both the primary applicant and derivative applicants. Although in practice is usually most relevant for the primary applicant.

⁶ INA § 245(m)(1); 8 CFR § 245.24(a)(5).

Although the applicant has a continuing duty to cooperate with law enforcement, in most cases the applicant will never have actually been asked to provide any further assistance to law enforcement after the U Visa was granted. For example, in a U Visa case where the underlying crime was fully prosecuted before the U Visa was filed there is rarely any reason for law enforcement to request anything further from an applicant. This is also true for cases where the underlying crime resulted in a call to police with no arrest or subsequent prosecution. U Visa Adjustment applicants in situations such as those, where no request for additional help was requested of the applicant by law enforcement after the U Visa was filed, will not have a problem with the cooperation requirement for a U Visa adjustment of status. An issue only arises in cases where law enforcement reached out to the applicant and he or she failed to provide assistance in a way that USCIS deems unreasonable.

When evaluating whether refusal to cooperate was “unreasonable” USCIS will consider the totality of the circumstances.⁷ USCIS “may take into account such factors as general law enforcement, prosecutorial, and judicial practices; the kinds of assistance asked of other victims of crimes involving an element of force, coercion, or fraud; the nature of the request to the alien for assistance; the nature of the victimization; the applicable guidelines for victim and witness assistance; and the specific circumstances of the applicant, including fear, severe traumatization (both mental and physical), and the age and maturity of the applicant.”⁸ To fully assess the applicant’s continued cooperation USCIS may contact the certifying agency directly to acquire more information. In certain cases where cooperation is a factor USCIS will refer this assessment, and the adjudication of an individual’s adjustment application, to the Department of Justice.⁹

IV. Inadmissibility and Discretionary Grounds

A. Ground of Inadmissibility

U Visa holders who are applying for adjustment of status are only subject to one ground of inadmissibility at the time of their application.¹⁰ That ground is INA § 212(a)(3)(E), which relates generally to Nazi persecutors, genocide, and torture. This ground is not waivable. If an applicant has triggered that particular ground of inadmissibility he or she will not be eligible for adjustment of status. However, in practice the other grounds of inadmissibility are not wholly irrelevant for U Visa adjustment applicants. Behavior that triggers other grounds of inadmissibility will be relevant in the overall discretionary evaluation of the adjustment application, and if any have been triggered and are not properly addressed at

⁷ 8 CFR § 245.24(a)(5).

⁸ *Id.*

⁹ 8 CFR § 245.24(e)(4).

¹⁰ 8 CFR § 245.24(b)(4).

this phase of the application they could affect future travel or the applicant's ability to naturalize in the future.

B. Discretionary Grounds

A U Visa holder seeking adjustment of status has the burden of affirmatively showing that his or her continued presence in the United States is justified on humanitarian grounds, to ensure family unity, or is otherwise in the public interest.¹¹ Adjustment of status is not a guaranteed benefit. USCIS has discretion to deny an adjustment application if an applicant has adverse factors that cannot be overcome with evidence of positive equities or arguments relating to humanitarian grounds of family unity.

Adverse factors could be things like arrests, convictions, or other behavior that traditionally would trigger a ground of inadmissibility. As was noted above, if the applicant has triggered grounds of inadmissibility, *besides INA § 212(a)(3)(E)*, the applicant will not be barred from adjusting status, and does not need to submit a waiver application with the adjustment application. However, the *behavior* triggering the ground of inadmissibility will be taken into account by USCIS as part of their *general discretionary evaluation* of the applicant.¹² USCIS will take into account behavior that occurred before the U Visa was filed, while it was pending, and since the U Visa was granted. Therefore, it is important to screen your client on his or her entire history and assess all behavior no matter when it occurred. If during the screening of your U Visa Adjustment applicant you determine that the applicant triggered a ground of inadmissibility before filing the U Visa or while it was pending, and failed to disclose it on the U Visa application, that non-disclosure as well as the underlying behavior could be a serious factor for the adjustment application. **If that occurs we ask that you contact ILCM for guidance.** If it is deemed safe to move forward with an adjustment filing for the individual then the behavior can be disclosed on the adjustment application and the reason why the applicant failed to waive the behavior on the U Visa application can be explained. Likewise, if the applicant has behavior that triggers a ground of inadmissibility since his or her U Visa approval that too could be a serious factor on the application. As discussed above, talk with your mentor to determine if it is safe to move forward and how to handle the issue on the form.

The discretionary evaluation functions like a balancing test. In order to justify that, despite adverse factors, the applicant should still be granted adjustment of status he or she must show that there are positive factors, humanitarian grounds, issues of family unity or other mitigating factors in his or her favor that outweigh the negative aspects of his or her case.¹³ The amount of evidence needed to show an applicant's positive equities is relative to the

¹¹ INA § 245(m)(1)(B); 8 CFR § 245.24(b)(6).

¹² 8 CFR § 245.24(d)(11).

¹³ See 8 CFR § 245.24(d)(11).

volume and seriousness of the negative factors that are present in any given case. In general, if an applicant has *no* adverse factors in their case it is not necessary to include evidence of positive equities. There is no harm in including such evidence, but it is not required in those cases.

Regardless of whether or not adverse factors exist in the client's case he or she should address the humanitarian grounds and/or family unity grounds that are present in a sworn statement. For instance, items that would be relevant include: 1) if the client is safer in the U.S., 2) is prospering by receiving education in the U.S., 3) has children or other family in the U.S., etc.

Besides a violation of INA § 212(a)(3)(E), USCIS does not list any specific behavior that will completely bar a U Visa Adjustment applicant from receiving a favorable decision. However, it is noted in the regulations that USCIS will generally deny an application in cases where there are security or terrorism-related concerns, or the commission or conviction of a serious crime of violence, a crime involving sexual abuse committed upon a child, multiple drug-related crimes.¹⁴

V. Guidance for Case Screening and Filing

Please refer to your training manual for additional materials relating to case screening and filing to accompany the guidance in this document. The manual includes a screening tool that should be used during client screenings prior to filing. Also, the manual includes Filing Checklists for Primary and Derivative Applications, Sample Filings for Primary and Derivative Applications, and a resource entitled Suggested Steps for U Visa Adjustment Representation. These materials are intended to be used in conjunction with this overview.

A. Comprehensive Screening

When screening an applicant for U Visa adjustment it is important to view the screening from a holistic standpoint. The applicant should of course be screened to determine if he or she fulfills the enumerated requirements for U Visa adjustment. However, since the discretionary grounds for the U Visa adjustment are so broad it is necessary to evaluate the client's entire background and not just their behavior since the U Visa was filed. There is always a possibility that a ground of inadmissibility or other behavior was not properly disclosed and/or waived on the U Visa application. It is important to identify those mistakes at this point and attempt to address them. If not addressed at this stage they will be increasingly problematic in the future if the person applies for citizenship¹⁵, and could result in an inability to obtain citizenship or in some cases risk of removal from the

¹⁴ *Id.*

¹⁵ Applicants are eligible to apply for U.S. citizenship after they have held lawful permanent resident status for five years.

country. This is why ILCM advises that all clients receive a full screening that evaluates the client's entire background. We also advise that if at all possible the attorney working on the adjustment case have access to the initial U Visa application. If any adverse factors are identified at the time of screening ILCM asks that the attorney obtain a copy of all relevant records and consult with their case mentor.

Another important piece of the screening process is to make sure that the client does not have any family members who are without status but could possibly obtain status through the client as a result of their U-1 status. The INA and its applicable regulations allow for certain family members who would have qualified as derivatives on a U-1's underlying Visa application, but were not included, to receive LPR status through the U-1 at this later date, through an I-929 petition that is filed separately from the principal's adjustment application. There are also instances where acquired-after relatives (such as husbands or wives who married the U-1 after they filed for U Visa status) can obtain status through the U-1 holder at this later time. The guidelines for this process are outlined in 8 CFR § 245.24(a)(2), (g), and (h). If during your screening of a U-1 applicant you identify a family member who could potentially qualify for status under these sections please contact your mentor to fully assess. Applications for those qualifying family members will not fall under the scope of your retainer with the U-1 client who you are representing for adjustment. But, nevertheless, we will want to advise him or her about this possible benefit for the qualifying family member, and discuss representation options with your mentor.

Lastly, it is important to make sure that filing an adjustment application for a U-1 principal will not have a negative effect on any derivative applicants. The area of primary concern relates to derivatives who were living abroad when their I-918A was filed. When a derivative abroad receives an I-918 Approval Notice he or she does not actually have U Visa status until he or she has been admitted to the United States. If a primary applicant adjusts status before a derivative enters the U.S. and obtains U Visa status then the derivative will lose the ability to enter the United States under the U Visa. Therefore, if during your screening of a U-1 primary applicant you learn that there was a derivative abroad on the client's underlying U Visa who still has not been admitted to the U.S. in U Visa status, please consult with ILCM before submitting the U-1's application for adjustment.

B. Filing Guidance

This document provides helpful information about the adjustment filing process, but must not be relied upon as a full list of the filing requirements. Consult ILCMs other training materials, applicable statutes and regulations, and USCIS directions for all requirements.

i. Filing Deadline

One of the most important parts of the U Visa adjustment filing process is making absolutely sure that the client submitting the application within the required time frame. The application cannot be submitted before the client has acquired at least three years of continuous presence since being admitted in U nonimmigrant status, but **ABSOLUTELY MUST** be submitted *and received by* the Vermont Service Center *prior to* the expiration of the client's U Visa status. **The deadline for these applications is extremely serious.** If a filing is received even a day after the expiration of the U Visa applicant's status it can be outright denied with no reliable recourse. This would leave the client without status. If a client who you are working with is in anyway approaching the deadline of his or her U Visa status you must warn them **in writing (ideally via mail with tracking)** that there are serious consequences if the filing is not submitted before the deadline. Before the deadline gets too close set up strict deadlines for the applicant to get you the documents or information that you need. Be clear, in writing, to the client that if he or she fails to adhere to those deadlines you will need to close the case. If you are having issues with a non-responsive client we ask that you immediately consult with your ILCM mentor. If it becomes clear that the application cannot be filed in time PLEASE talk with your mentor about skeletal filing options of the need to close the case before the expiration.

ii. Forms and Fees

With the adjustment application you must include Form G-28 (Notice of Appearance), Form I-485 (Application for Adjustment), Form G-325A (Biographical Information Sheet), and Form I-765 (Application for EAD Under Category (c)(9) for the Period While Application is Pending). You must also include a check or money order to cover the application fee and the biometric fees. ***However, if the client qualifies for a fee waiver, which most of our pro bono clients do, then you can file a Form I-912 (Fee Waiver Form) and supporting evidence in place of the fees.***

iii. Supporting Evidence Continuous Presence

Each applicant should have a foreign passport(s) that covers every day of the applicant's term of U Visa status. The filing must include a copy of **every page (even if blank)** of the applicant's passports that cover his or her period of U Visa status. If an applicant has more than one passport covering their time in U Visa status than the attorney must include a copy of every page of each passport. If an applicant does not have a passport, or only has a passport that covers part of the U Visa term, this will need to be explained in the client's statement. Even if lapses are addressed in the client's statement he or she should still do whatever possible to obtain a passport or renew an expired passport before filing.

In addition to the passport copies, the applicant **must** provide testimony in her statement to support the continuous physical presence requirement. This can be limited to one sentence explaining how they meet the requirement, but must be included. In addition, 8 CFR § 245.24(d)(8) requires that the applicant provide supplemental evidence to show presence. There is no set requirement for the amount of evidence that is needed, but we advise having at least one item to cover every month, and if that is not possible certainly every quarter, since the applicant was admitted in U nonimmigrant status up until the time of filing for adjustment. Examples of the types of documentation that can be submitted as supporting evidence for physical presence can be found at 8 CFR § 245.22. That list includes items like government issued documents, taxes, hospital records, school records, etc. The list is not comprehensive, and one can include other documentation such as leases, copies of mail, bank records, and other items that show presence. Taxes are helpful evidence, but taxes alone will generally not suffice-additional evidence is generally needed.

If the applicant took any trips outside of the U.S. during the term of his or her U Visa status records of the exit and entry dates should be included and the travel should be addressed in the statement. If the travel broke continuous presence then the applicant must provide certification from law enforcement that it was necessary for the investigation and/or prosecution of the qualifying crime from the underlying U Visa.

iv. Supporting Evidence Cooperation

The application must address the applicant's continued cooperation with law enforcement. Different practitioners handle this requirement in different ways. ILCM advises taking the following steps. First, make sure that the client continued to cooperate with law enforcement if asked to do so. If he or she failed to cooperate at any point this will need to be thoroughly addressed in the applicant's statement and with supporting documentation. If that situation occurs please contact your mentor. If the applicant had continued cooperation with law enforcement, or was never asked to continue with cooperation, have the client explain that in his or her statement. If the case was prosecuted and a public MNCIS report is available to show that or if there is other evidence available regarding the final disposition of the case (i.e. a police report that says no charges were filed and case was closed that the client already has in their possession) we advise including a copy of those materials with the filing. We do **NOT** advise seeking a re-certification from law enforcement.

v. Supporting Evidence Medical Exam

Every U Visa adjustment applicant **MUST** file a fully completed, signed, and sealed Form I-693 Medical Exam Assessment. Even though the medical grounds of inadmissibility are not technically being applied it is still required as part of the overall discretionary assessment of the applicant. The form **MUST** be completed by a Civil Surgeon. You can locate a list of

Civil Surgeon's on the USCIS website. The list is extremely long. If the client does not already know of a civil surgeon who he or she would like to use you can search the USCIS Civil Surgeon list by zip code (using the client's home address zip code) to obtain a list of qualifying doctors accessible to the client. Print off the first few pages of the list and provide it to client. The client should make an appointment with a Civil Surgeon for an exam. The exam can be expensive, costing several hundreds of dollars, and the price varies by Civil Surgeon. Therefore, we advise that the client contact several offices if possible to identify a reliable doctor with reasonable prices.

You do not need to provide the client with any forms for their appointment and you should not attend the appointment. Let the client know that the Civil Surgeon should be filling out the I-693 form relating to Adjustment of Status. The client will go to the Civil Surgeon appointment and will complete a brief exam, testing, and series of health-related questions. The doctor will then fill out the required form, sign it, and return it to the client in a sealed envelope. When you file the form you MUST file the original, sealed form (you cannot open the envelope). Most Civil Surgeons, however, will provide an additional unsealed version for the attorney to review. It is a good idea to ask your client to get an extra copy so you can review it before filing¹⁶.

USCIS used to require that the medical form be filed along with the application. They recently changed that rule, and technically will accept the filing without a medical form. In those cases they will send a Request for Evidence asking for the form once they have reviewed the application. The client will then have a set amount of time to send in the form or the application will be denied. They changed this rule because the form now expires after 1 year from filing, and they didn't want the forms to expire while the case was pending. Because of this, and because of the fact that an RFE slows down the case dramatically, we advise that you file the medical exam form with the application. The only way that we suggest filing the application without the medical exam form, and instead waiting for an RFE, is if the client absolutely can't get you the form despite several requests and you are facing the filing deadline. In those cases it is obviously better to file without the form than to miss the deadline. Otherwise, however, we ask that attorneys have the client get a medical exam completed and filed with the application.

vi. Supporting Evidence Discretionary Grounds

For a discussion of the supporting evidence needed to support the discretionary grounds for the adjustment filing please see this document at Section IV. B and the attorney resource section in your manual.

¹⁶ Note that the forms also expire 1 year from the date the doctor signed the I-693 (but filing freezes that 1 year clock, and starts another 1 year clock mentioned above.

vii. Processing Times and Temporary Work Cards

Once filed you will receive receipt notices for the I-485. You also should receive a notice extending the applicant's U Visa status during the period while the adjustment application is pending. Additionally, you will receive a temporary work card, with a term of one year, which the applicant can use and renew while the application is pending. Processing times vary, as of summer 2016 most cases are taking approximately 5-6 months to process. However, that is not a guaranteed timeline; cases can take less or more time to adjudicate. Once the adjudication of the application is completed you will either receive a denial or an approval. The denial can be appealed to the Administration Appeals Office within a required time period. If the application is approved you will receive Approval Notices and a Lawful Permanent Resident card. Once you have received the LPR card and approval notices you can contact the client to set a meeting for transferring the card, notices, and a copy of your closing letter. We advise that this meeting be done in person if possible and that the card not be sent via mail. A sample closing letter can be found in your manual.

Suggested Steps for U Visa Adjustment Representation

Step 1: Introductory Meeting with Client:

When the case is first placed the attorney should contact the client, schedule a meeting, and send a reminder letter confirming the meeting and listing the materials the client should bring. We advise doing this as soon as possible after placement. At your first meeting with the client you would ideally complete basic introductions, complete the retainer, conduct a brief re-screening of the client for any red-flag issues, and discuss an overview of the process for filing an adjustment application including an explanation of the required supporting documentation. If there is time basic forms could be filled out or the statement could be drafted. At the end of the meeting the attorney can provide the client with a list of supporting documentation (including the medical exam directions) and information to gather before the next meeting. It is best to schedule the next meeting in order to have a set deadline for when the application will be completed.

Step 2: Second Meeting with Client:

At this meeting the attorney should be able to complete the filing. This will entail filling out the forms that were not completed at the first meeting, client signing all forms, completing an orally dictated statement with client if not already done so, client signing the statement, and gathering the remainder of the supporting evidence. If the client does not have all of the information/evidence needed for the filing the attorney should set a clear deadline by which the client must provide all of the requested materials. This deadline should be early enough to ensure that the attorney has ample time to review the evidence and incorporate it into the final filing for submission before the client's U Visa status expires.

Note-Combining Meetings: Alternatively, the attorney can combine the Introductory Meeting and the Second Client Meeting to complete the filing in one session. This is a preferable method for a client whose case is straightforward or for a client who is at all close to their filing deadline. For this representation timeline, the attorney can call the client after case placement to explain the process and set up a meeting. The attorney can then send the client a detailed letter with guidance about what information and documents the client should gather for the meeting. At the meeting the attorney can complete the retainer, a client screening, the forms, and the client statement. If the client is missing any of the required documents (for instance the medical exam) he or she can provide those to the attorney via mail or delivery.

Step 3: File Application:

The attorney should file the application with the Vermont Service Center. A copy must be kept in the attorney's file. A copy must be sent to the client for his or her records.

Step 4: Receipt Notices:

The attorney should receive receipt notices within approximately 2-4 weeks after the filing is sent to VSC. The attorney will receive two copies of the receipts; one for the attorney and one for the client. The attorney should send the client his or her copies.

Step 5: Biometric Appointment:

The attorney should receive biometric notices within 3-6 weeks after the filing is sent to VSC. The attorney will receive two copies of the notice. The attorney must send the client his or her copy immediately with a cover letter explaining the biometrics appointment.

Step 6: Temporary EAD/Notice Extending U Visa:

The attorney will receive the client's temporary work card and an Approval for the extension of their U –Visa status approximately 6-10 weeks after filing the adjustment application with VSC. The attorney should set up a meeting with the client to provide him or her with the card and a letter explaining the temporary work card. The work card should not be sent via mail. Around this same time the attorney should receive a Notice saying that the applicant's U Visa status has been extended for the time that the adjustment application is pending. The attorney should send a copy of that notice to client.

Step 7: Request for Evidence:

Not all cases will receive a Request for Evidence (RFE). An RFE will only be issued if there is information or materials missing from the initial application. If an RFE is received, the attorney should work with the client to ensure that all requested information/materials are gathered and submitted to VSC prior to the deadline listed on the RFE. If the deadline is not met the case will be denied.

Step 8: Final Decision/Case Closing Meeting:

Once the processing of an application is complete, VSC will send the attorney a final decision on the case. Assuming that the case is approved, the attorney will receive approval notices and the client's Lawful Permanent Residence Card. The attorney should set up a meeting with the client to provide him or her with the new card and approval notice. The attorney should provide end of case legal advice at the meeting, but must also give the client a hardcopy closing letter with legal guidance as well. LPR cards should not be sent to the client via mail.

U Visa Adjustment Screening Sheet
ILCM Pro Bono Program



Client's name: _____ Date: _____

Screener: _____

BACKGROUND INFORMATION: U VISA, FAMILY, PRESENCE

What is the applicant's U Visa Status (U-1, U-2, U-3, U-4, or U-5)?

When did the status begin? When does the status end?

Has the applicant's status ever been revoked?

Since getting U Visa status have you left the U.S.? If so, how many trips, how long, when, and what purpose (was it related to the abuse)?

What was the qualifying crime for the underlying U Visa? What agency signed the underlying I-918B?

What was the outcome of the criminal case against the perpetrator?

If applicant is a U-1 who filed the U Visa when they were 21 or older list spouse (including immigration status) and all children (including ages and immigration status):

If applicant is a U-1 who filed the U Visa when they were under 21 years of age list spouse (including immigration status) and all children (including ages and immigration status), parents (including immigration status), and siblings (immigration status and ages):

U-1 Applicants Only:

Were there any derivate applicants included on the U Visa application?

Were the derivatives granted status?

If they were living abroad when the application was filed have they received a U Visa and entered the United States yet?

If any qualifying family members were not included on the U Visa, why were they not included?

U-2, U-3, U-4, or U-5 Applicants Only:

Does the qualifying relationship with the primary still exist? [i.e. if spouse are they still married, if a U-3 has anything happened to parental rights, if a U-3 have they been married]

COOPERATION

Has law enforcement of any kind (police, prosecutor, judge, etc.) asked you to assist with the case since you filed your U visa? If so, did you cooperate with law enforcement's request? If not, why were you not able to cooperate?

GROUND OF INADMISSABILITY: GENERAL

MEDICAL: Do you have any medical problems, illnesses, disabilities? Ever had any condition that was very contagious (Tuberculosis, STD, etc.)?

ALCOHOL/DRUGS: Have you ever dealt with addiction to drugs/alcohol? (Alcohol or drug-related offenses, been told by a court to go to rehabilitation or attend classes, etc.)

THREAT TO SELF OR OTHERS: Have you ever had a time when you thought about harming yourself (i.e. been depressed and thought about suicide or hurt someone else as a result?)

<p>PUBLIC BENEFITS/FRAUD: Have you ever received public benefits?</p> <p>If so, to the best of your knowledge, was all of the information you provided to the agency correct? (household income, family size, marital status, immigration status, etc.)</p>
<p>PROSTITUTION: Have you ever worked as a prostitute or worked with prostitutes?</p>
<p>TRAFFICKING/SMUGGLING: Have you ever worked as a coyote or been paid to help people enter the US? Have you ever helped someone else enter the US who did not have permission to come? (Made plans, picked up, paid a coyote, co-entered, etc., including children)</p>
<p>TERRORISM/MILITARY TRAINING/GUERRILLA WARFARE: Have you (or any close family member) ever been the member of a group- a political, military, religious, or activist group? Have you ever, in the US or in your country, had contact with paramilitary or guerillas? Have you ever received weapons training?</p>
<p>FALSE USC CLAIMS:</p> <p>If you have worked in the US, what documents did you use to work?</p> <p>Did you use a false name or real name?</p> <p>Ever used false documents or someone else's documents (i.e. green card, birth certificate)?</p> <p>If used a false SSN, was it invented or the SSN of a real person?</p> <p>On a work application, tax form or anywhere else (scholarship/loan application), have you ever marked that you were a citizen?</p> <p>Have you ever told an employer or anyone else that you are a citizen?</p>
<p>STOWAWAYS: Have you ever crossed the border while hiding in a vehicle that the driver did not know you were in?</p>
<p>NO PASSPORT: Do you have a passport? When was it issued and when does it expire? If the passport does not cover applicant's period in U visa status then ask why.</p>

PRACTICING POLIGAMIST: Have you been married more than once? Did you get divorced after the first time?

UNLAWFUL VOTING: Have you ever tried to vote in an election in the U.S.? Have you ever registered to vote?

GROUND OF INADMISSIBILITY CONT/ TRAVEL REQUIREMENTS/EQUITIES

Please list all previous entries into the United States. (month and year)

Date of Entry	Place of Entry	Type of Visa (if any)	Contact w/ Imm	Length of Stay	Date of Exit

If you had contact with immigration during any of the entries discussed above can you explain what happened? (i.e. fingerprinted?, held in custody-and for how long?, sign any documents?, returned to what country?)

Besides what was discussed above have you had any contact with immigration?

Have you ever been ordered deported? If so, when?

Have you ever had any contact with police or any other law enforcement? (i.e. arrests, tickets, pulled over while driving, handcuffed, gone to court, been charged or convicted with any crime even if expunged, dismissed, or juvenile, etc.). If so, can you explain what happened?

Do you have any criminal records? Did you bring them with you?

****Note:** Review the client's I-192 waiver that was filed with the original U Visa application to evaluate if all grounds of inadmissibility that may have existed before approval of the U Visa were properly waived.

After completing this screening review the information alongside the client's originally filed U Visa application and waiver to determine the following:

1. Is the applicant within or close to his or her 1 year filing window for the adjustment?
2. If a U-1, have all derivatives obtained U Visa status and entered the United States so that the primary applicant's adjustment will not negatively impact their status?
3. If a U-1, are there any family members who could be eligible for an I-929 application? (i.e. an acquired after derivate or qualifying family members who were not included in original application).
4. If a U-2, U-3, U-4, U-5, does the relationship to the primary still exist?
5. Did the applicant travel abroad at all since obtaining U Visa status? If so, was it travel that would violate the terms of the U Visa status?
6. Did the applicant have a passport for the full term or his or her U Visa status?
7. Was the applicant cooperative with law enforcement?
8. Does the applicant have any grounds of inadmissibility that were either not disclosed on the first application or have occurred since he or she was granted U visa status?
9. Does the applicant have any negative factors such as criminal convictions that have occurred since the U Visa was granted?

U Visa Adjustment Filing Checklist (Application for U Visa Primary, U-1 Status)

___ **Cover Letter from Attorney** (*with materials index*)

___ **Form G-28, Notice of Appearance** (*Listing all Forms and Signed by Attorney & Client*)

___ **Filing Fees or Form I-912 Fee Waiver Form**

- If filing a fee waiver form include supporting documentation in accordance with the USCIS instructions (i.e. pay stubs, taxes, proof of qualifying benefits)

___ **Form G-325A Biographical Information**

___ **Form I-485 Application to Register for Adjustment of Status**

___ **Form I-765 Application For Employment Authorization** (*Listing Category C9*)

___ **Medical Exam Results from Civil Surgeon** (*in un-opened, sealed envelope*)

___ **Two Passport Style Photos of Applicant**

___ **Copy of the Applicant's Birth Certificate** (*with translation and affidavit of translation*)

___ **Evidence of U Visa Approval**

- Copy of the Client's I-918 Approval Notice and I-94 Arrival-Departure Record
- Copy of the Client's I-192 Approval Notice
- Copy of the Client's I-765 Approval Notice and Copy of EAD

___ **Evidence of Continuous Presence in United States since U Visa Approval**

- Applicant **MUST** address continuous presence in his or her sworn statement.
- Copy of Applicant's Passport(s) Covering U Visa Term
 - *EVERY PAGE MUST BE COPIED EVEN IF BLANK, PASSPORT SHOULD COVER THE ENTIRE TIME PERIOD FROM U VISA APPROVAL TO ADJUSTMENT FILING-IF NOT ADDRESS IN STATEMENT.*
- Documentation Showing Continuous Presence
 - Ideally something for each month or quarter of the relevant period showing that the applicant was present in the United States. Examples include, tax returns, pay stubs, letters from employers, bank records, leases, mortgages, etc.
 - If the applicant has traveled since obtaining U Visa status, and travel dates are not documented in passport include alternative evidence to show exit and re-entry.
- If the applicant has a break in continuous physical presence include a certification from law enforcement attesting that the travel abroad was necessary to assist in the investigation or prosecution of the underlying U Visa.

___ **Evidence of Cooperation with Law Enforcement**

- Applicant must address continued cooperation in his or her sworn statement.
- If case was prosecuted or otherwise ended, include copy of the Registrar of Actions or police reports to show that fact. (*not required*)

___ **Evidence of Positive Equities**

- Applicant should address positive equities in his or her sworn statement.
- If possible, include evidence of positive equities such as certificates of achievement, letters from employer, awards or proof of volunteer work/involvement in the community, proof of attendance in school, etc. The amount of positive-equity evidence that is needed increases and decreases based on how many negative factors the client may have in his or her case.
- If applicant has been arrested, cited, or detained since U Visa filing include records.

___ **A Sworn Statement by Client (*drafted through oral dictation, signed and dated by client*)**

- As noted above statement must address continued cooperation and continuous presence. It should also address any negative equities, show positive equities, and explain why client must remain in the United States.

U Visa Adjustment Filing Checklist

(Application for U-Visa Derivative U-2, U-3, U-4, or U-5)

___ **Cover Letter from Attorney** (*with materials index*)

___ **Form G-28, Notice of Appearance** (*Listing all Forms and Signed by Attorney & Client*)

___ **Filing Fees or Form I-912 Fee Waiver Form**

- If filing a fee waiver form include supporting documentation in accordance with the USCIS instructions (i.e. pay stubs, taxes, proof of qualifying benefits)

___ **Form G-325A Biographical Information**

___ **Form I-485 Application to Register for Adjustment of Status**

___ **Form I-765 Application For Employment Authorization** (*Listing Category C9*)

___ **Medical Exam Results from Civil Surgeon** (*in un-opened, sealed envelope*)

___ **Two Passport Style Photos of Applicant**

___ **Copy of the Applicant's Birth Certificate** (*with translation and affidavit of translation*)

___ **Evidence of U Visa Approval**

- Copy of the Client's I-918A Approval Notice and I-94 Arrival-Departure Record
- Copy of the Client's I-192 Approval Notice
- Copy of the Client's I-765 Approval Notice and Copy of EAD

___ **Evidence of Primary Applicant's U Visa Approval**

- Copy of the Primary Applicant's I-918 Approval Notice

___ **Evidence of Continuous Presence in United States since U Visa Approval**

- Applicant **MUST** address continuous presence in his or her sworn statement.
- Copy of Applicant's Passport(s) Covering U Visa Term
 - *EVERY PAGE MUST BE COPIED EVEN IF BLANK, PASSPORT SHOULD COVER THE ENTIRE TIME PERIOD FROM U VISA APPROVAL TO ADJUSTMENT FILING-IF NOT ADDRESS IN STATEMENT.*
- Documentation Showing Continuous Presence
 - Ideally something for each month or quarter of the relevant period showing that the applicant was present in the United States. Examples include, tax returns, pay stubs, letters from employers, bank records, leases, mortgages, etc.
 - If the applicant has traveled since obtaining U Visa status, and travel dates are not documented in passport include alternative evidence to show exit and re-entry.

- If the applicant has a break in continuous physical presence include a certification from law enforcement attesting that the travel abroad was necessary to assist in the investigation or prosecution of the underlying U Visa.

____ **Evidence of Cooperation with Law Enforcement**

- Applicant must address continued cooperation in his or her sworn statement.

____ **Evidence of Positive Equities**

- Applicant should address positive equities in his or her sworn statement.
- If possible, include evidence of positive equities such as certificates of achievement, letters from employer, awards or proof of volunteer work/involvement in the community, proof of attendance in school, etc. The amount of positive-equity evidence that is needed increases and decreases based on how many negative factors the client may have in his or her case.
- If applicant has been arrested, cited, or detained since U Visa filing include records.

____ **A Sworn Statement by Client** (*drafted through oral dictation, signed and dated by client*)

- As noted above statement must address the applicant's continuous presence and cooperation. It should also address any negative equities, show positive equities, and explain why client must remain in the United States.

2016 Federal Poverty Guidelines (Released January 25, 2016)

Household Size	100% of FPG	150% of FPG (USCIS Fee Waiver Standard)	187.5% of FPG (ILCM Income Guidelines)
1	\$11,880	\$17,820	\$22,275
2	\$16,020	\$24,030	\$30,038
3	\$20,160	\$30,240	\$37,800
4	\$24,300	\$36,450	\$45,563
5	\$28,440	\$42,660	\$53,325
6	\$32,580	\$48,870	\$61,088
7	\$36,730	\$55,095	\$68,869
8	\$40,890	\$61,335	\$76,669
Add for each additional person	\$4,160	\$6,240	\$7,800

Source: 2016 Poverty Guidelines for the 48 Contiguous States and the District of Columbia,
<https://www.federalregister.gov/articles/2016/01/25/2016-01450/annual-update-of-the-hhs-poverty-guidelines#t-1>.

USCIS CONTACT INFORMATION

For specific case questions (*not status updates for cases within processing times*) you can email or call the Vermont Service Center at the following:

Email: hotlinefollowup19181914.vsc@uscis.dhs.gov

Phone: 802-527-4888

- Calls will be directed to a voicemail box and messages will be returned.

Please send an inquiry to either the phone or email, not both. **Email is the preferable mode of communication with VSC because there will be a recording of your correspondence.** If you use the email option please include a copy of your G-28 form attached to the email. Also, whether leaving a message on the phone line or sending an email, it is ideal to include the client's name, A#, and the receipt number of the case you are writing about.

SECTION 3

SAMPLE FILINGS

- **Sample Forms for U Visa Adjustment Filing (Place Holders for Supporting Documents)**
- **Sample Client Statement (U Visa Primary)**
- **Sample Client Statement (U Visa Derivative)**

The following cover letter and forms are a sample filing created for training purposes only. The information is made up and does not reflect the information of an actual person or Immigrant Law Center of Minnesota client.

September 7, 2016

USCIS – Vermont Service Center
ATTN: CRU
75 Lower Weldon Street
St. Albans, VT 05479-0001



Always check the USCIS website for the most up-to-date address

ATTN: ADJUSTMENT OF STATUS FOR U-1 RECIPIANT (Fee Waiver Enclosed)

RE: Jane Rodriguez Hernandez A012345678

Dear Sir/Madam:

Our office represents Jane Rodriguez Hernandez in this application for adjustment of status based on her U visa. Ms. Hernandez was granted a U visa by your office on September 2, 2013, valid to September 1, 2017.

As indicated in Ms. Hernandez sworn statement, she has always cooperated with the county Attorney's office that was involved with prosecuting the underlying crime relating to her U Visa, and is willing to cooperate should they request her assistance in the future. She has also enclosed a record showing that the case was prosecuted and closed. These items should serve as evidence that Ms. Hernandez has not unreasonably refused to cooperate with the county attorney's office.

As you will see from the evidence submitted with this application, Ms. Hernandez has been continuously present in the United States and fulfilled all other requirements for adjustment of status, including the timely filing of this application. The following supporting documentation is enclosed to establish her eligibility:

FORMS/FEEES/IDENTITY/MISC.

- Form G-28 Notice of Appearance;
- Form I-912 Fee Waiver Request;
- Pay stubs for Ms. Hernandez and her husband, showing household income is below 150% of the FPG, in support of her fee waiver application;
- Form G-325A Biographic Information;
- Form I-485 Application to Register for Adjustment of Status;
- Copy of applicant's Employment Authorization Card;
- Copy of all pages of applicant's passport;
- Copy of applicant's birth certificate (*with translation and affidavit of translation*);
- Two passport style pictures of the applicant;
- Medical Exam results (*in un-opened, sealed envelope*)

- Registrar of Actions relating to two minor traffic offenses Ms. Hernandez received citations for, and including evidence that any related fines have been paid.

EVIDENCE OF APPROVED U VISA

- Copy of Applicant's I-918 Approval Notice;
- Copy of Applicant's I-192 Approval Notice;
- Copy of Applicant's I-765 Approval Notice;
- Copy of Applicant's a(19) Employment Authorization Card.

EVIDENCE OF COOPERATION WITH LAW ENFORCEMENT

- Register of Actions for Case No. xxxxxxxx showing that prosecution was completed in the criminal case for Ms. Hernandez perpetrator;
- Applicant's sworn statement, attesting to her cooperation throughout the investigation and prosecution of this crime, and that she has not been requested to provide additional assistance (including affidavits of dictation and interpretation).

EVIDENCE OF THREE YEARS PRESENCE IN THE U.S.

- Applicant's sworn statement, attesting to continuous residence (please see applicants sworn statement in previous section);
- Letter from Ms. Hernandez's employer stating that she has been consistently employed at ABC Telephone Company in St. Paul, MN, and under the direct supervision of the manager submitting the letter, since 02/2013.
- Tax Returns from 2013-2015.
- Bank Statements from Wells Fargo Bank for the months of February, March, May, June, August, September and October of 2015-2016 showing financial transactions made by Ms. Hernandez in Minnesota.

EMPLOYMENT AUTHORIZATION RENEWAL

- Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative;
- Form I-765, Application for Employment Authorization.

Additionally, I would like to point out that in the sworn statement that Ms. Hernandez has included with this application she explains an error that was present in the I-192 from that was filed with her original U Visa application. In that application her counsel explained that Ms. Hernandez worked using an invalid social security card. However, the attorney improperly listed INA 212 (a)(6)(C)(ii) as the relevant waiver ground. That ground, which applies to individuals who have made a false claim to citizenship in the United States, was inappropriately listed. As Ms. Hernandez explains in her sworn statement, she did work with a false social security card, but the number was not linked to a citizen of the United States. She has never represented for work purposes, or otherwise, that she is a US citizen. This issue should in no way affect Ms. Hernandez underlying U Visa or her eligibility for adjustment of status. She includes the clarification in this application simply to correct the earlier error so there is no confusion over the issue in the future.

Ms. Hernandez thanks you for your time and attention to her application. Should you require anything further to facilitate this request, please contact me.

Sincerely,


Anne Applebaum
Attorney at Law



Notice of Entry of Appearance as Attorney or Accredited Representative

Department of Homeland Security

DHS
Form G-28
OMB No. 1615-0105
Expires 03/31/2018

Part 1. Information About Attorney or Accredited Representative

1. USCIS ELIS Account Number (if any)
▶

Name and Address of Attorney or Accredited Representative

2.a. Family Name (Last Name)

2.b. Given Name (First Name)

2.c. Middle Name

3.a. Street Number and Name

3.b. Apt. Ste. Flr.

3.c. City or Town

3.d. State 3.e. ZIP Code

3.f. Province

3.g. Postal Code

3.h. Country

4. Daytime Telephone Number

5. Fax Number

6. E-Mail Address (if any)

7. Mobile Telephone Number (if any)

Part 2. Notice of Appearance as Attorney or Accredited Representative

This appearance relates to immigration matters before
(Select only one box):

1.a. USCIS
1.b. List the form numbers

2.a. ICE
2.b. List the specific matter in which appearance is entered

3.a. CBP
3.b. List the specific matter in which appearance is entered

I enter my appearance as attorney or accredited representative at the request of:

4. Select only one box:
 Applicant Petitioner Requestor
 Respondent (ICE, CBP)

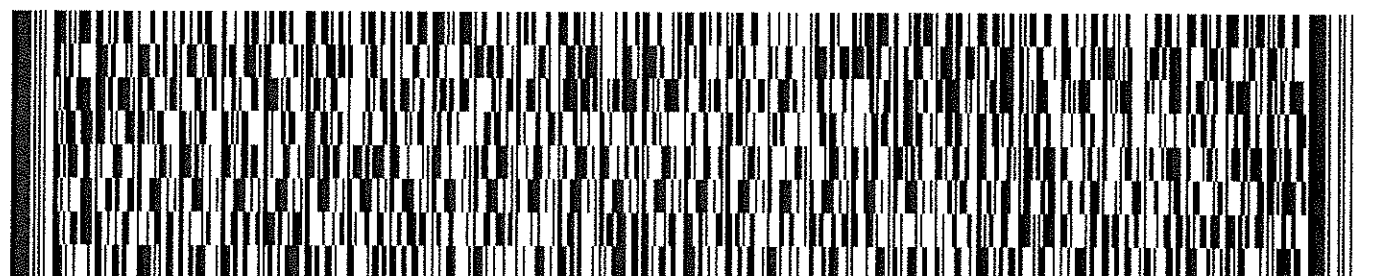
Information About Applicant, Petitioner, Requestor, or Respondent

5.a. Family Name (Last Name)

5.b. Given Name (First Name)

5.c. Middle Name

6. Name of Company or Organization (if applicable)



Part 2. Notice of Appearance as Attorney or Accredited Representative (continued)

Information About Applicant, Petitioner, Requestor, or Respondent (continued)

- 7. USCIS ELIS Account Number (if any)
▶
- 8. Alien Registration Number (A-Number) or Receipt Number
- 9. Daytime Telephone Number
- 10. Mobile Telephone Number (if any)
- 11. E-Mail Address (if any)

Mailing Address of Applicant, Petitioner, Requestor, or Respondent

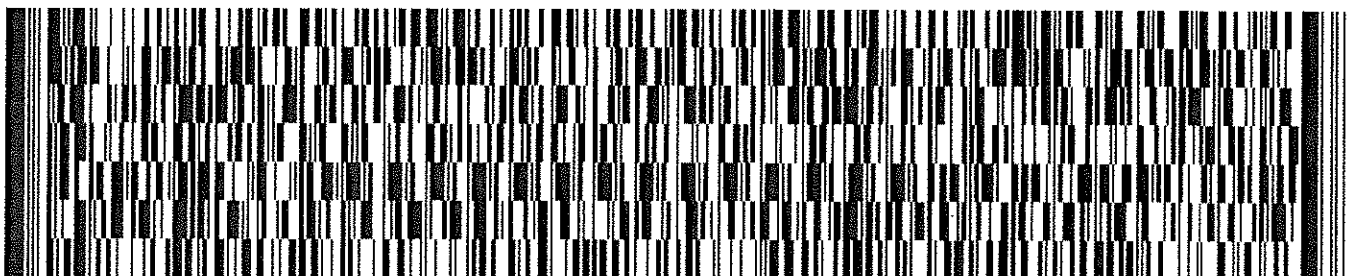
NOTE: Provide the mailing address of the applicant, petitioner, requestor, or respondent. **Do not** provide the business mailing address of the attorney or accredited representative **unless** it serves as the safe mailing address on the application, petition, or request being filed with this Form G-28.

- 12.a. Street Number and Name
- 12.b. Apt. Ste. Flr.
- 12.c. City or Town
- 12.d. State 12.e. ZIP Code
- 12.f. Province
- 12.g. Postal Code
- 12.h. Country

Part 3. Eligibility Information for Attorney or Accredited Representative

Select all applicable items.

- 1.a. I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest courts of the following states, possessions, territories, commonwealths, or the District of Columbia. (If you need additional space, use Part 6.)
Licensing Authority
- 1.b. Bar Number (if applicable)
- 1.c. Name of Law Firm
- 1.d. I (choose one) am not am subject to any order of any court or administrative agency disbaring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law. If you are subject to any orders, explain in the space below. (If you need additional space, use Part 6.)
- 2.a. I am an accredited representative of the following qualified nonprofit religious, charitable, social service, or similar organization established in the United States, so recognized by the Department of Justice, Board of Immigration Appeals, in accordance with 8 CFR 292.2. Provide the name of the organization and the expiration date of accreditation.
- 2.b. Name of Recognized Organization
- 2.c. Date accreditation expires (mm/dd/yyyy) ▶



Part 3. Eligibility Information for Attorney or Accredited Representative (continued)

3. I am associated with
the attorney or accredited representative of record who previously filed Form G-28 in this case, and my appearance as an attorney or accredited representative is at his or her request.

NOTE: If you select this item, also complete **Item Numbers 1.a. - 1.b. or Item Numbers 2.a. - 2.c. in Part 3. (whichever is appropriate).**

4.a. I am a law student or law graduate working under the direct supervision of the attorney or accredited representative of record on this form in accordance with the requirements in 8 CFR 292.1(a)(2)(iv).

4.b. Name of Law Student or Law Graduate

Part 4. Applicant, Petitioner, Requestor, or Respondent Consent to Representation, Contact Information, and Signature

Consent to Representation and Release of Information

1. I have requested the representation of and consented to being represented by the attorney or accredited representative named in **Part 1.** of this form. According to the Privacy Act of 1974 and DHS policy, I also consent to the disclosure to the named attorney or accredited representative of any record pertaining to me that appears in any system of records of USCIS, ICE or CBP.

When you (the applicant, petitioner, requestor, or respondent) are represented, DHS will send notices to both you and your attorney or accredited representative either through mail or electronic delivery.

DHS will also send the Form I-94, Arrival Departure Record, to you **unless** you select **Item Number 2.a. in Part 4.** All secure identity documents and Travel Documents will be sent to you (the applicant, petitioner, requestor, or respondent) at your U.S. mailing address **unless** you ask us to send your secure identity documents to your attorney of record or accredited representative.

If you do not want to receive original notices or secure identity documents directly, but would rather have such notices and documents sent to your attorney of record or accredited representative, please select **all applicable** boxes below:

2.a. I request DHS send any notice (including Form I-94) on an application, petition, or request to the U.S. business address of my attorney of record or accredited representative as listed in this form. I understand that I may change this election at any future date through written notice to DHS.

2.b. I request that DHS send any secure identity document, such as a Permanent Resident Card, Employment Authorization Document, or Travel Document, that I am approved to receive and authorized to possess, to the U.S. business address of my attorney of record or accredited representative as listed in this form or to a designated military or diplomatic address for pickup in a foreign country (if permitted). I consent to having my secure identity document sent to my attorney of record or accredited representative's U.S. business address and understand that I may request, at any future date and through written notice to DHS, that DHS send any secure identity document to me directly.

3.a. Signature of Applicant, Petitioner, Requestor, or Respondent

➔

3.b. Date of Signature (mm/dd/yyyy) ➔

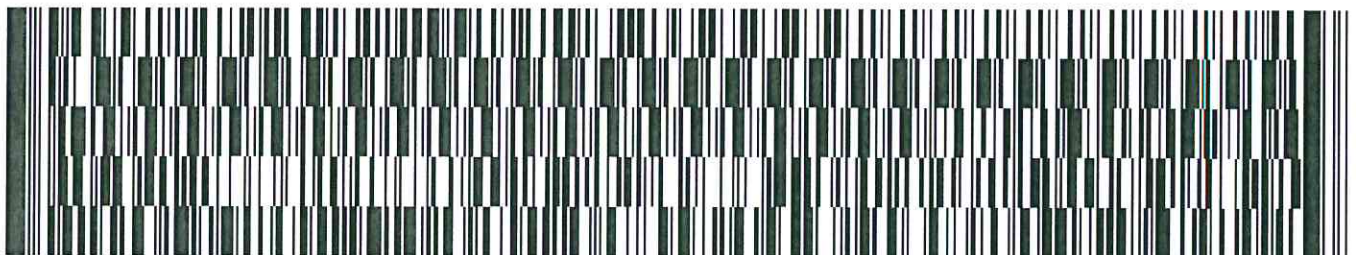
Part 5. Signature of Attorney or Accredited Representative

I have read and understand the regulations and conditions contained in 8 CFR 103.2 and 292 governing appearances and representation before the Department of Homeland Security. I declare under penalty of perjury under the laws of the United States that the information I have provided on this form is true and correct.

1. Signature of Attorney or Accredited Representative

2. Signature of Law Student or Law Graduate

3. Date of Signature (mm/dd/yyyy) ➔



Part 2. Information About You (Requestor) (continued)

7. Marital Status

- Single, Never Married
 Married
 Divorced
 Widowed
 Marriage Annulled
 Separated
 Other (Explain)

Part 3. Applications and Petitions for Which You Are Requesting a Fee Waiver

1. In the table below, add the form numbers of the applications and petitions for which you are requesting a fee waiver.

Applications or Petitions for You and Your Family Members													
Full Name	A-Number (if any)								Date of Birth	Relationship to You	Forms Being Filed		
Jane Rodriguez	A-	0	1	2	3	4	5	6	7	8	01/01/1981	Self	I-485 I-765 <i>6 BSA</i>
	A-												
	A-												
	A-												
Total Number of Forms (including self)												3	

Part 4. Means-Tested Benefits

If you selected **Item Number 1.** in **Part 1.**, complete this section.

1. If you, your spouse, or the head of household (including parent if the child is under 21 years of age) living with you is receiving any means-tested benefits, list the information in the table below and attach supporting documentation. If you are the parent or legal guardian filing on behalf of a child or person with a physical disability or developmental or mental impairment, provide information about the child or person for whom you are filing this form if he or she is receiving a means-tested benefit.

Means-Tested Benefit Recipients					
Full Name of Person Receiving the Benefit	Relationship to You	Name of Agency Awarding Benefit	Type of Benefit	Date Benefit was Awarded	Date Benefit Expires (or must be renewed)

Part 5. Income at or Below 150 Percent of the Federal Poverty Guidelines

If you selected **Item Number 2.** in **Part 1.**, complete this section.

Your Employment Status

1. Employment Status

- Employed (full-time, part-time, seasonal, self-employed)
 Unemployed or Not Employed
 Retired
 Other (Explain)

Part 5. Income at or Below 150 Percent of the Federal Poverty Guidelines (continued)

2. If you are currently unemployed, are you currently receiving unemployment benefits? Yes No

A. Date you became unemployed
(mm/dd/yyyy)

N/A

Information About Your Spouse

3. If you are married or separated, does your spouse live in your household? Yes No

A. If you answered "No" to **Item Number 3.**, does your spouse provide any financial support to your household? Yes No

Your Household Size

4. Are you the person providing the primary financial support for your household? Yes No

If you answered "Yes" to **Item Number 4.**, type or print your name on the line marked "self" in the table below. If you answered "No" to **Item Number 4.**, type or print your name on the line marked "self" in the table below and add the head of household's name on the line below yours.

Household Size					
Full Name	Date of Birth	Relationship to You	Married	Full-Time Student	Is any income earned by this person counted towards the household income?
Jane Rodriguez Hernandez	01/01/1981	Self	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
John Doe	01/01/1984	Husband	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Susie Doe	01/01/2011	Daughter	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Total Household Size (including self)					3

Your Annual Household Income

Provide information about your income and the income of all family members counted as part of your household. You must list all amounts in U.S. dollars.

5. Your Annual Income \$ 16000.00

6. Annual Income of All Family Members

Provide the annual income of all family members counted as part of your household as listed in **Item Number 4.** (Do not include the amount provided in **Item Number 5.**)

\$ 10000.00

7. Total Additional Income or Financial Support \$ 0.00

Provide the total annual amount you receive in additional income or financial support from a source outside of your household. (Do not include the amount provided in **Item Numbers 5.** or **6.**) You must add all of the additional income and financial support amounts and put the total amount in the space provided. Type or print "0" in the total box if there are none. Select the type of additional income or financial support that you receive and provide documentation.

- Parental Support
- Spousal Support (Alimony)
- Child Support
- Educational Stipends
- Royalties
- Pensions
- Unemployment Benefits
- Social Security Benefits
- Veteran's Benefits
- Financial Support From Adult Children, Dependents, Other People Living in the Household
- Other (Explain)

Part 5. Income at or Below 150 Percent of the Federal Poverty Guidelines (continued)

8. Total Household Income (add the amounts from **Item Numbers 5., 6., and 7.**) \$

9. Has anything changed since the date you filed your Federal tax returns? (For example, your marital status, income, or number of dependents.) Yes No

If you answered "Yes" to **Item Number 9.**, provide an explanation below. Provide documentation if available. You may also use this space to provide any additional information about your circumstances that you would like USCIS to consider.

Part 6. Financial Hardship

If you selected **Item Number 3.** in **Part 1.**, complete this section.

1. If you or any family members have a situation that has caused you to incur expenses, debts, or loss of income, describe the situation in the box below. Specify the amounts of the expenses, debts, and income losses in as much detail as possible. Examples may include medical expenses, job loss, eviction, and homelessness.

2. If you have cash or assets that you can quickly convert to cash, list those in the table below. For example, bank accounts, stocks, or bonds. (Do not include retirement accounts.)

Assets	
Type of Asset	Value (U.S. Dollars)
Total Value of Assets	

Part 6. Financial Hardship (continued)

3. Total Monthly Expenses and Liabilities

\$

Provide the total monthly amount of your expenses and liabilities. You must add all of the expense and liability amounts and type or print the total amount in the space provided. Type or print "0" in the total box if there are none. Select the types of expenses or liabilities you have each month and provide evidence of monthly payments, where possible.

- | | | |
|--|--|--------------------------------|
| <input type="checkbox"/> Rent and/or Mortgage | <input type="checkbox"/> Loans and/or Credit Cards | <input type="checkbox"/> Other |
| <input type="checkbox"/> Food | <input type="checkbox"/> Car Payment | _____ |
| <input type="checkbox"/> Utilities | <input type="checkbox"/> Commuting Costs | _____ |
| <input type="checkbox"/> Child and/or Elder Care | <input type="checkbox"/> Medical Expenses | _____ |
| <input type="checkbox"/> Insurance | <input type="checkbox"/> School Expenses | _____ |

Part 7. Requestor's Statement, Contact Information, Certification, and Signature

NOTE: Read the **Penalties** section of the Form I-912 Instructions before completing this part.

Each person applying for a fee waiver request must complete, sign, and date Form I-912 and provide the required documentation. This includes family members identified in **Part 3**. Signature fields for family members are at the end of this part. If an individual is under 14 years of age, a parent or legal guardian may sign the request on their behalf. USCIS rejects any Form I-912 that is not signed by all individuals requesting a fee waiver and may deny a request that does not provide required documentation.

Select the box for either **Item A.** or **B.** in **Item Number 1.** If applicable, select the box for **Item Number 2.**

1. Requestor's Statement Regarding the Interpreter

- A. I can read and understand English, and I have read and understand every question and instruction on this request and my answer to every question.
- B. The interpreter named in **Part 9**, read to me every question and instruction on this request and my answer to every question in , a language in which I am fluent, and I understood everything.

2. Requestor's Statement Regarding the Preparer (if applicable)

- At my request, the preparer named in **Part 10**, , prepared this request for me based only upon information I provided or authorized.

Requestor's Contact Information

3. Requestor's Daytime Telephone Number

4. Requestor's Mobile Telephone Number (if any)

5. Requestor's Email Address (if any)

Requestor's Certification

Copies of any documents I have submitted are exact photocopies of unaltered, original documents, and I understand that USCIS may require that I submit original documents to USCIS at a later date. Furthermore, I authorize the release of any information from any of my records that USCIS may need to determine my eligibility for the immigration benefit I seek.

I further authorize release of information contained in this request, in supporting documents, and in my USCIS records to other entities and persons where necessary for the administration and enforcement of U.S. immigration laws.

I certify, under penalty of perjury, that I provided or authorized all of the information in my request, I understand all of the information contained in, and submitted with, my request, and that all of this information is complete, true, and correct.

Part 7. Requestor's Statement, Contact Information, Certification, and Signature (continued)

WARNING: If you knowingly and willfully falsify or conceal a material fact or submit a false document with your Form I-912, USCIS will deny your fee waiver request and may deny any other immigration benefit. In addition, you may face severe penalties provided by law and may be subject to criminal prosecution.

Requestor's Signature

6. Requestor's Signature Date of Signature (mm/dd/yyyy)
 

NOTE TO ALL REQUESTORS: If you do not completely fill out this request or fail to submit required documents listed in the Instructions, USCIS may deny your request.

Family Members' Signatures

NOTE: Each family member **must** type or print their full name and sign in the spaces below. You can find additional family members' signature spaces in **Item Numbers 7. - 10.** below. All family members identified in **Part 3.** must sign and date Form I-912.

I certify that the information provided by the requestor in **Part 7.** applies to me.

7. Family Member 1

Family Member's Name

Family Member's Signature

Date of Signature (mm/dd/yyyy)

8. Family Member 2

Family Member's Name

Family Member's Signature

Date of Signature (mm/dd/yyyy)

9. Family Member 3

Family Member's Name

Family Member's Signature

Date of Signature (mm/dd/yyyy)

10. Family Member 4

Family Member's Name

Family Member's Signature

Date of Signature (mm/dd/yyyy)

11. Family Member 5

Family Member's Name

Family Member's Signature

Date of Signature (mm/dd/yyyy)

Part 8. Family Member's Statement, Contact Information, Certification, and Signature

NOTE: Read the **Penalties** section of the Form I-912 Instructions before completing this part.

If the information provided by the requestor in **Part 7** is not applicable to a family member identified in **Part 3**, (for example, the family member used an interpreter or speaks a different language) that individual should complete **Part 8**. USCIS rejects any Form I-912 that is not signed by all individuals requesting a fee waiver.

Select the box for either **Item A** or **B** in **Item Number 1**. If applicable, select the box for **Item Number 2**.

1. Family Member's Statement Regarding the Interpreter for
- A. I can read and understand English, and I have read and understand every question and instruction on this request and my answer to every question.
- B. The interpreter named in **Part 9**, read to me every question and instruction on this request and my answer to every question in , a language in which I am fluent, and I understood everything.
2. Family Member's Statement Regarding the Preparer for
- At my request, the preparer named in **Part 10**, , prepared this request for me based only upon information I provided or authorized.

Family Member's Contact Information

3. Family Member's Daytime Telephone Number
4. Family Member's Mobile Telephone Number (if any)
5. Family Member's Email Address (if any)

Family Member's Certification

Copies of any documents I have submitted are exact photocopies of unaltered, original documents, and I understand that USCIS may require that I submit original documents to USCIS at a later date. Furthermore, I authorize the release of any information from any of my records that USCIS may need to determine my eligibility for the immigration benefit I seek.

I further authorize release of information contained in this request, in supporting documents, and in my USCIS records to other entities and persons where necessary for the administration and enforcement of U.S. immigration laws.

I certify, under penalty of perjury, that I provided or authorized all of the information in my request, I understand all of the information contained in, and submitted with, my request, and that all of this information is complete, true, and correct.

Family Member's Signature

6. Family Member's Signature Date of Signature (mm/dd/yyyy)

NOTE TO ALL FAMILY MEMBERS: If you do not completely fill out this request or fail to submit required documents listed in the Instructions, USCIS may deny your request.

Part 9. Interpreter's Contact Information, Certification, and Signature

1. Did any person filing this request use an interpreter? Yes, (complete this section) No (skip to **Part 10.**)
2. Was the same interpreter used for all individuals requesting a fee waiver (as listed in **Part 3.**)? Yes No

NOTE for Family Members: If you used a different interpreter than the one used by the requestor, make additional copies of **Part 9.**, provide the following information, indicate the family member for whom he or she interpreted, and include the pages with your completed Form I-912.

Provide the following information about the interpreter for

Interpreter's Full Name

3. Interpreter's Family Name (Last Name) Interpreter's Given Name (First Name)
4. Interpreter's Business or Organization Name (if any)

Interpreter's Mailing Address

5. Street Number and Name Apt. Ste. Flr. Number
- City or Town State ZIP Code
- Province Postal Code Country

Interpreter's Contact Information

6. Interpreter's Daytime Telephone Number
7. Interpreter's Mobile Telephone Number (if any)
8. Interpreter's Email Address (if any)

Interpreter's Certification

I certify, under penalty of perjury, that:

I am fluent in English and , which is the same language specified in **Part 7., Item B. in Item Number 1.**, and I have read to this requestor in the identified language every question and instruction on this request and his or her answer to every question. The requestor informed me that he or she understands every instruction, question, and answer on the request, including the **Applicant's Certification**, and has verified the accuracy of every answer.

Interpreter's Signature

9. Interpreter's Signature Date of Signature (mm/dd/yyyy)

Part 10. Contact Information, Declaration, and Signature of the Person Preparing this Request, if Other Than the Requestor

1. Did any person prepare this request on your behalf? Yes, (complete this section) No, skip
2. Was the same preparer used for all individuals requesting a fee waiver (as listed in Part 3.)? Yes No

NOTE for Family Members: If you used a different preparer than the one used by the requestor, provide the following information, and include the pages with your completed Form I-912.

Provide the following information about the preparer for

Jane Rodriguez Hernandez

Preparer's Full Name

3. Preparer's Family Name (Last Name) Preparer's Given Name (First Name)
4. Preparer's Business or Organization Name (if any)

Preparer's Mailing Address

5. Street Number and Name Apt. Ste. Flr. Number
- City or Town State ZIP Code
- Province Postal Code Country

Preparer's Contact Information

6. Preparer's Daytime Telephone Number 7. Preparer's Mobile Telephone Number (if any)
8. Preparer's Email Address (if any)

Preparer's Statement

9. A. I am not an attorney or accredited representative but have prepared this request on behalf of the requestor and with the requestor's consent.
- B. I am an attorney or accredited representative and my representation of the requestor in this case extends does not extend beyond the preparation of this request.

NOTE: If you are an attorney or accredited representative, you may be obliged to submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, or G-28I, Notice of Entry of Appearance as Attorney In Matters Outside the Geographical Confines of the United States, with this request.

Part 10. Contact Information, Declaration, and Signature of the Person Preparing this Request, if Other Than the Requestor (continued)

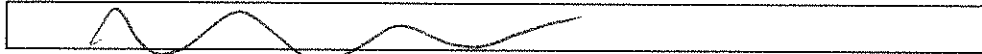
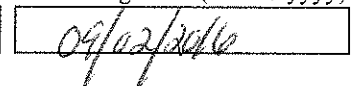
Preparer's Certification

By my signature, I certify, under penalty of perjury, that I prepared this request at the request of the requestor. The requestor then reviewed this completed request and informed me that he or she understands all of the information contained in, and submitted with, his or her request, including the **Applicant's Certification**, and that all of this information is complete, true, and correct. I completed this request based only on information that the requestor provided to me or authorized me to obtain or use.

Preparer's Signature

10. Preparer's Signature

Date of Signature (mm/dd/yyyy)

A rectangular box containing a handwritten signature in black ink. The signature is stylized and appears to be a cursive name.A rectangular box containing the handwritten date "09/02/2016" in black ink.

Part 11. Additional Information

If you need extra space to provide any additional information within this request, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this request or attach a separate sheet of paper. Include your name and A-Number (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers.

1. Family Name (Last Name) Given Name (First Name) Middle Name

2. A-Number (if any) ▶ A-

0	1	2	3	4	5	6	7	8
---	---	---	---	---	---	---	---	---

3. A. Page Number B. Part Number C. Item Number

D. _____

4. A. Page Number B. Part Number C. Item Number

D. _____

5. A. Page Number B. Part Number C. Item Number

D. _____

6. A. Page Number B. Part Number C. Item Number

D. _____

Supporting Documents for I-912

Copy of Recent Taxes for Client and Family

or

Paystubs for Client and Husband

G-325A, Biographic Information

Family Name Rodriguez Hernandez	First Name Jane	Middle Name	<input type="checkbox"/> Male <input checked="" type="checkbox"/> Female	Date of Birth (mm/dd/yyyy) 01/01/1981	Citizenship/Nationality Mexico	File Number A 012345678
All Other Names Used (include names by previous marriages) Jane Rodriguez			City and Country of Birth Ciudad Juarez, Mexico		U.S. Social Security No. (if any) 000-00-0001	
Family Name Father Rodriguez Campos Mother (Maiden Name) Hernandez Alvarez	First Name Hugo Anna	Date of Birth (mm/dd/yyyy) 01/01/1952 01/01/1948	City, and Country of Birth (if known) Ciudad Juarez, Mexico Ciudad Juarez, Mexico		City and Country of Residence Mexico Mexico	
Current Husband or Wife (If none, so state) Family Name (For wife, give maiden name) Doe	First Name John	Date of Birth (mm/dd/yyyy) 01/01/1983	City and Country of Birth Mexico	Date of Marriage 05/05/2005	Place of Marriage Minneapolis, MN	
Former Husbands or Wives (If none, so state) Family Name (For wife, give maiden name) None	First Name	Date of Birth (mm/dd/yyyy)	Date and Place of Marriage		Date and Place of Termination of Marriage	

Applicant's residence last five years. List present address first.

Street Name and Number	City	Province or State	Country	From		To	
				Month	Year	Month	Year
111 Happy Lane Apt 201	Minneapolis	MN	USA	01	2011	Present Time	
123 Kind Drive	St. Paul	MN	USA	02	2009	01	2011

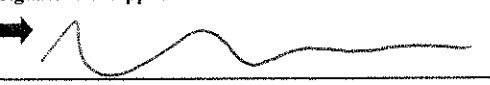
Applicant's last address outside the United States of more than 1 year.

Street Name and Number	City	Province or State	Country	From		To	
				Month	Year	Month	Year
Nezahualcoyot 442 Piso 20	Ciudad Juarez	Chihuahua	Mexico	01	1999	05	2002

Applicant's employment last five years. (If none, so state.) List present employment first.

Full Name and Address of Employer	Occupation (Specify)	From		To	
		Month	Year	Month	Year
ABC Telephone Company	Salesperson	02	2013	Present Time	
Cubicleland LLP	Receptionist	07	2009	02	2013

Last occupation abroad if not shown above. (Include all information requested above.)

None: Never Worked Abroad					
This form is submitted in connection with an application for: <input type="checkbox"/> Naturalization <input type="checkbox"/> Other (Specify):		Signature of Applicant → 		Date 09/02/2016	
<input checked="" type="checkbox"/> Status as Permanent Resident		If your native alphabet is in other than Roman letters, write your name in your native alphabet below:			

Penalties: Severe penalties are provided by law for knowingly and willfully falsifying or concealing a material fact.

Applicant: Print your name and Alien Registration Number in the box outlined by heavy border below.

Complete This Box (Family Name) Rodriguez Hernandez	(Given Name) Jane	(Middle Name)	(Alien Registration Number) A012345678
--	----------------------	---------------	---

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

**Form I-485, Application to Register
Permanent Residence or Adjust Status**

START HERE - Type or Print (Use black ink)

For USCIS Use Only

Part 1. Information About You

Family Name (Last Name)	Given Name (First Name)	Middle Name
Rodriguez Hernande	Jane	
Address - Street Number and Name		Apt. No.
111 Happy Lane		201
C/O (in care of)		
City	State	ZIP Code
Minneapolis	MN	55407
Date of Birth (mm/dd/yyyy)	Country of Birth	
01/01/1981	Mexico	
Country of Citizenship/Nationality	U.S. Social Security No. (if any)	A-Number (if any)
Mexico	000-00-0001	012-345-678
Date of Last Arrival (mm/dd/yyyy)	I-94 Arrival-Departure Record Number	
06/2002		
Current USCIS Status	Expires on (mm/dd/yyyy)	
U Visa Holder	09/01/2016	

Returned	Receipt
Resubmitted	
Reloc Sent	
Reloc Rec'd	
Applicant Interviewed	

Part 2. Application Type (Select one)

I am applying for an adjustment to permanent resident status because:

- a. An immigrant petition giving me an immediately available immigrant visa number that has been approved. (Attach a copy of the approval notice, or a relative, special immigrant juvenile, or special immigrant military visa petition filed with this application that will give you an immediately available visa number, if approved.)
- b. My spouse or parent applied for adjustment of status or was granted lawful permanent residence in an immigrant visa category that allows derivative status for spouses and children.
- c. I entered as a K-1 fiancé(e) of a U.S. citizen whom I married within 90 days of entry, or I am the K-2 child of such a fiancé(e). (Attach a copy of the fiancé(e) petition approval notice and the marriage certificate.)
- d. I was granted asylum or derivative asylum status as the spouse or child of a person granted asylum and am eligible for adjustment.
- e. I am a native or citizen of Cuba admitted or paroled into the United States after January 1, 1959, and thereafter have been physically present in the United States for at least 1 year.
- f. I am the husband, wife, or minor unmarried child of a Cuban described above in (e), and I am residing with that person, and was admitted or paroled into the United States after January 1, 1959, and thereafter have been physically present in the United States for at least 1 year.
- g. I have continuously resided in the United States since before January 1, 1972.
- h. Other basis of eligibility. Explain (for example, I was admitted as a refugee, my status has not been terminated, and I have been physically present in the United States for 1 year after admission). If additional space is needed, see Page 3 of the instructions. U-1 with 3 years physical presence in US

Section of Law

Sec. 209(a), INA
 Sec. 209(b), INA
 Sec. 13, Act of 9/11/57
 Sec. 245, INA
 Sec. 249, INA
 Sec. 1 Act of 11/2/66
 Sec. 2 Act of 11/2/66
 Other _____

Country Chargeable

Eligibility Under Sec. 245

Approved Visa Petition
 Dependent of Principal Alien
 Special Immigrant
 Other _____

Preference

Action Block

**To be Completed by
Attorney or Representative, if any**

Fill in box if Form G-28 is attached to represent the applicant.

VOLAG No _____

ATTY State License Number
0000001

I am already a permanent resident and am applying to have the date I was granted permanent residence adjusted to the date I originally arrived in the United States as a nonimmigrant or parolee, or as of May 2, 1964, whichever date is later, and: (Select one)

- i. I am a native or citizen of Cuba and meet the description in (e) above.
- j. I am the husband, wife, or minor unmarried child of a Cuban and meet the description in (f) above.

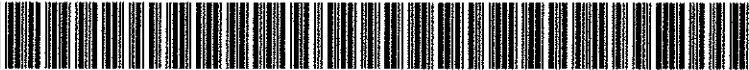


Part 3. Processing Information

A. City/Town/Village of Birth Current Occupation
 Your Mother's First Name Your Father's First Name
 Provide your name exactly as it appears on your Form I-94, Arrival-Departure Record Number
 Place of Last Entry Into the United States (City/State) In what status did you last enter? (Visitor, student, exchange visitor, crewman, temporary worker, without inspection, etc.)
 Were you inspected by a U.S. Immigration Officer? Yes No
 Nonimmigrant Visa Number Consulate Where Visa Was Issued
 Date Visa Issued (mm/dd/yyyy) Gender Male Female Marital Status Married Single Divorced Widowed
 Have you ever applied for permanent resident status in the U.S.? Yes (If "Yes" give date and place of filing and final disposition.) No

B. List your present spouse and all of your children (include adult sons and daughters). (If you have none, write "None." If additional space is needed, see Page 3 of the instructions.)

Family Name (Last Name)	Given Name (First Name)	Middle Initial	Date of Birth (mm/dd/yyyy)
Doe	John		01/01/1983
Country of Birth	Relationship	A-Number (if any)	Applying with you?
Mexico	Husband	087-654-321	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Family Name (Last Name)	Given Name (First Name)	Middle Initial	Date of Birth (mm/dd/yyyy)
Doe	Susie		01/01/2011
Country of Birth	Relationship	A-Number (if any)	Applying with you?
USA	Daughter		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Family Name (Last Name)	Given Name (First Name)	Middle Initial	Date of Birth (mm/dd/yyyy)
Country of Birth	Relationship	A-Number (if any)	Applying with you?
			Yes <input type="checkbox"/> No <input type="checkbox"/>
Family Name (Last Name)	Given Name (First Name)	Middle Initial	Date of Birth (mm/dd/yyyy)
Country of Birth	Relationship	A-Number (if any)	Applying with you?
			Yes <input type="checkbox"/> No <input type="checkbox"/>
Family Name (Last Name)	Given Name (First Name)	Middle Initial	Date of Birth (mm/dd/yyyy)
Country of Birth	Relationship	A-Number (if any)	Applying with you?
			Yes <input type="checkbox"/> No <input type="checkbox"/>



Part 3. Processing Information *(Continued)*

C. List your present and past membership in or affiliation with every organization, association, fund, foundation, party, club, society, or similar group in the United States or in other places since your 16th birthday. Include **any military service** in this part. If none, write "None." Include the name of each organization, location, nature, and dates of membership. If additional space is needed, attach a separate sheet of paper. Continuation pages must be submitted according to the guidelines provided on **Page 3** of the instructions under **General Instructions**.

Name of Organization	Location and Nature	Date of Membership From	Date of Membership To
Heaven Church	St. Paul, MN	Winter 2003	Present

Answer the following questions. (If your answer is "Yes" to any question, explain on a separate piece of paper. Continuation pages must be submitted according to the guidelines provided on **Page 3** of the instructions under **General Instructions**. Information about documentation that must be included with your application is also provided in this section.) Answering "Yes" does not necessarily mean that you are not entitled to adjust status or register for permanent residence.

1. Have you **EVER**, in or outside the United States:
 - a. Knowingly committed any crime of moral turpitude or a drug-related offense for which you have not been arrested? Yes No
 - b. Been arrested, cited, charged, indicted, convicted, fined, or imprisoned for breaking or violating any law or ordinance, excluding traffic violations? Yes No
 - c. Been the beneficiary of a pardon, amnesty, rehabilitation decree, other act of clemency, or similar action? Yes No
 - d. Exercised diplomatic immunity to avoid prosecution for a criminal offense in the United States? Yes No
2. Have you received public assistance in the United States from any source, including the U.S. Government or any State, county, city, or municipality (other than emergency medical treatment), or are you likely to receive public assistance in the future? Yes No
3. Have you **EVER**:
 - a. Within the past 10 years been a prostitute or procured anyone for prostitution, or intend to engage in such activities in the future? Yes No
 - b. Engaged in any unlawful commercialized vice, including, but not limited to, illegal gambling? Yes No
 - c. Knowingly encouraged, induced, assisted, abetted, or aided any alien to try to enter the United States illegally? Yes No
 - d. Illicitly trafficked in any controlled substance, or knowingly assisted, abetted, or colluded in the illicit trafficking of any controlled substance? Yes No
4. Have you **EVER** engaged in, conspired to engage in, or do you intend to engage in, or have you ever solicited membership or funds for, or have you through any means ever assisted or provided any type of material support to any person or organization that has ever engaged or conspired to engage in sabotage, kidnapping, political assassination, hijacking, or any other form of terrorist activity? Yes No



Part 3. Processing Information *(Continued)*

5. Do you intend to engage in the United States in:
- a. Espionage? Yes No
 - b. Any activity a purpose of which is opposition to, or the control or overthrow of, the Government of the United States, by force, violence, or other unlawful means? Yes No
 - c. Any activity to violate or evade any law prohibiting the export from the United States of goods, technology, or sensitive information? Yes No
6. Have you **EVER** been a member of, or in any way affiliated with, the Communist Party or any other totalitarian party? Yes No
7. Did you, during the period from March 23, 1933 to May 8, 1945, in association with either the Nazi Government of Germany or any organization or government associated or allied with the Nazi Government of Germany, ever order, incite, assist, or otherwise participate in the persecution of any person because of race, religion, national origin, or political opinion? Yes No
8. Have you **EVER** been deported from the United States, or removed from the United States at government expense, excluded within the past year, or are you now in exclusion, deportation, removal, or rescission proceedings? Yes No
9. Are you under a final order of civil penalty for violating section 274C of the Immigration and Nationality Act (INA) for use of fraudulent documents or have you, by fraud or willful misrepresentation of a material fact, ever sought to procure, or procured, a visa, other documentation, entry into the United States, or any immigration benefit? Yes No
10. Have you **EVER** left the United States to avoid being drafted into the U.S. Armed Forces? Yes No
11. Have you **EVER** been a J nonimmigrant exchange visitor who was subject to the 2-year foreign residence requirement and have not yet complied with that requirement or obtained a waiver? Yes No
12. Are you now withholding custody of a U.S. citizen child outside the United States from a person granted custody of the child? Yes No
13. Do you plan to practice polygamy in the United States? Yes No
14. Have you **EVER** ordered, incited, called for, committed, assisted, helped with, or otherwise participated in any of the following:
- a. Acts involving torture or genocide? Yes No
 - b. Killing any person? Yes No
 - c. Intentionally and severely injuring any person? Yes No
 - d. Engaging in any kind of sexual contact or relations with any person who was being forced or threatened? Yes No
 - e. Limiting or denying any person's ability to exercise religious beliefs? Yes No
15. Have you **EVER**:
- a. Served in, been a member of, assisted in, or participated in any military unit, paramilitary unit, police unit, self-defense unit, vigilante unit, rebel group, guerrilla group, militia, or insurgent organization? Yes No
 - b. Served in any prison, jail, prison camp, detention facility, labor camp, or any other situation that involved detaining persons? Yes No
16. Have you **EVER** been a member of, assisted in, or participated in any group, unit, or organization of any kind in which you or other persons used any type of weapon against any person or threatened to do so? Yes No



Part 3. Processing Information *(Continued)*

17. Have you **EVER** assisted or participated in selling or providing weapons to any person who to your knowledge used them against another person, or in transporting weapons to any person who to your knowledge used them against another person? Yes No

18. Have you **EVER** received any type of military, paramilitary, or weapons training? Yes No

Part 4. Accommodations for Individuals With Disabilities and/or Impairments *(See Page 7 of the instructions before completing this section.)*

Are you requesting an accommodation because of your disability(ies) and/or impairment(s)? Yes No

If you answered "Yes," select any applicable box:

- a. I am deaf or hard of hearing and request the following accommodation(s) (if requesting a sign-language interpreter, indicate which language (e.g., American Sign Language)):

- b. I am blind or sight-impaired and request the following accommodation(s):

- c. I have another type of disability and/or impairment (describe the nature of your disability(ies) and/or impairment(s) and accommodation(s) you are requesting):

Part 5. Signature *(Read the information on penalties on Page 8 of the instructions before completing this section. You must file this application while in the United States.)*

Your Registration With U.S. Citizenship and Immigration Services

"I understand and acknowledge that, under section 262 of the Immigration and Nationality Act (INA), as an alien who has been or will be in the United States for more than 30 days, I am required to register with U.S. Citizenship and Immigration Services (USCIS). I understand and acknowledge that, under section 265 of the INA, I am required to provide USCIS with my current address and written notice of any change of address within 10 days of the change. I understand and acknowledge that USCIS will use the most recent address that I provide to USCIS, on any form containing these acknowledgements, for all purposes, including the service of a Notice to Appear should it be necessary for USCIS to initiate removal proceedings against me. I understand and acknowledge that if I change my address without providing written notice to USCIS, I will be held responsible for any communications sent to me at the most recent address that I provided to USCIS. I further understand and acknowledge that, if removal proceedings are initiated against me and I fail to attend any hearing, including an initial hearing based on service of the Notice to Appear at the most recent address that I provided to USCIS or as otherwise provided by law, I may be ordered removed in my absence, arrested, and removed from the United States."

Selective Service Registration

The following applies to you if you are a male at least 18 years of age, but not yet 26 years of age, who is required to register with the Selective Service System: "I understand that my filing Form I-485 with U.S. Citizenship and Immigration Services (USCIS) authorizes USCIS to provide certain registration information to the Selective Service System in accordance with the Military Selective Service Act. Upon USCIS acceptance of my application, I authorize USCIS to transmit to the Selective Service System my name, current address, Social Security Number, date of birth, and the date I filed the application for the purpose of recording my Selective Service registration as of the filing date. If, however, USCIS does not accept my application, I further understand that, if so required, I am responsible for registering with the Selective Service by other means, provided I have not yet reached 26 years of age."



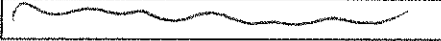
Part 5. Signature (Continued)

Applicant's Statement (Select one)

- I can read and understand English, and I have read and understand each and every question and instruction on this form, as well as my answer to each question.
- Each and every question and instruction on this form, as well as my answer to each question, has been read to me in the Spanish language, a language in which I am fluent, by the person named in **Interpreter's Statement and Signature**. I understand each and every question and instruction on this form, as well as my answer to each question.

I certify, under penalty of perjury under the laws of the United States of America, that the information provided with this application is all true and correct. I certify also that I have not withheld any information that would affect the outcome of this application.

I authorize the release of any information from my records that U.S. Citizenship and Immigration Services (USCIS) needs to determine eligibility for the benefit I am seeking.

Signature (Applicant)	Print Your Full Name	Date (mm/dd/yyyy)	Daytime Phone Number (include area code)
	Jane Rodriguez Hernandez	09/02/2016	612-000-0001

NOTE: If you do not completely fill out this form or fail to submit required documents listed in the instructions, you may not be found eligible for the requested benefit, and this application may be denied.


Interpreter's Statement and Signature

I certify that I am fluent in English and the below-mentioned language.

Language Used (language in which applicant is fluent)


Spanish

I further certify that I have read each and every question and instruction on this form, as well as the answer to each question, to this applicant in the above-mentioned language, and the applicant has understood each and every instruction and question on the form, as well as the answer to each question.

Signature (Interpreter)	Print Your Full Name	Date (mm/dd/yyyy)	Daytime Phone Number (include area code)
	Eva Johnson	09/02/2016	900-222-3333

Part 6. Signature of Person Preparing Form, If Other Than Above

I declare that I prepared this application at the request of the above applicant, and it is based on all information of which I have knowledge.

Signature	Print Your Full Name	Date (mm/dd/yyyy)	Daytime Phone Number (include area code)
	Anne Maria Applebaum	09/02/2016	(651) 000-0001

Firm Name and Address

Immigrant Law Center of Minnesota
450 North Syndicate Street, Suite 200
St. Paul, MN 55104

Email Address (if any)

email@ilcm.org



Addendum to Form I-485, Jane Rodriguez Hernandez, A012345678

Part 3, Question 1b: I received a citation for Driving After Revocation in St. Paul, MN in 2009; fine paid. I received a citation for Speeding in Minneapolis, MN on 07/08/2015; fine paid.

Part 3: Question 2: My daughter, who is a citizen of the U.S., receives food assistance. As her guardian, I receive those benefits on her behalf.

Part 3, Question 8: As was disclosed on my original U Visa application, in 2002 I attempted to enter the U.S. without inspection, was apprehended by an immigration officer, held for 2-3 hours, and released back to Mexico. It is my understanding that this was not a removal, but rather a voluntary return. However, the incident was fully disclosed on my U Visa application, and if USCIS found it to be a removal it should have been waived as part of my previously submitted and approved I-192 application.

Identity Documents and Medical Exam

Evidence of Approved U Visa

Evidence of Cooperation with Law Enforcement

**Evidence of Three Years Physical
Presence in U.S**

Employment Authorization Application



Notice of Entry of Appearance as Attorney or Accredited Representative

Department of Homeland Security

DHS
Form G-28
OMB No. 1615-0105
Expires 03/31/2018

Part 1. Information About Attorney or Accredited Representative

1. USCIS ELIS Account Number (if any)
▶

Name and Address of Attorney or Accredited Representative

2.a. Family Name (Last Name)

2.b. Given Name (First Name)

2.c. Middle Name

3.a. Street Number and Name

3.b. Apt. Ste. Flr.

3.c. City or Town

3.d. State 3.e. ZIP Code

3.f. Province

3.g. Postal Code

3.h. Country

4. Daytime Telephone Number

5. Fax Number

6. E-Mail Address (if any)

7. Mobile Telephone Number (if any)

Part 2. Notice of Appearance as Attorney or Accredited Representative

This appearance relates to immigration matters before
(Select only one box):

1.a. USCIS

1.b. List the form numbers

2.a. ICE

2.b. List the specific matter in which appearance is entered

3.a. CBP

3.b. List the specific matter in which appearance is entered

I enter my appearance as attorney or accredited representative at
the request of:

4. Select only one box:
 Applicant Petitioner Requestor
 Respondent (ICE, CBP)

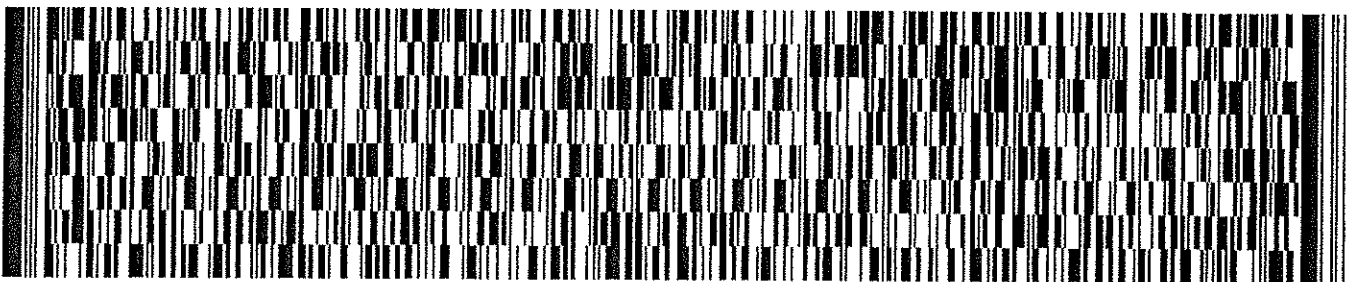
Information About Applicant, Petitioner, Requestor, or Respondent

5.a. Family Name (Last Name)

5.b. Given Name (First Name)

5.c. Middle Name

6. Name of Company or Organization (if applicable)



Part 2. Notice of Appearance as Attorney or Accredited Representative (continued)

Information About Applicant, Petitioner, Requestor, or Respondent (continued)

7. USCIS ELIS Account Number (if any)
▶

8. Alien Registration Number (A-Number) or Receipt Number

9. Daytime Telephone Number

10. Mobile Telephone Number (if any)

11. E-Mail Address (if any)

Mailing Address of Applicant, Petitioner, Requestor, or Respondent

NOTE: Provide the mailing address of the applicant, petitioner, requestor, or respondent. Do not provide the business mailing address of the attorney or accredited representative unless it serves as the safe mailing address on the application, petition, or request being filed with this Form G-28.

12.a. Street Number and Name

12.b. Apt. Ste. Flr.

12.c. City or Town

12.d. State 12.e. ZIP Code

12.f. Province

12.g. Postal Code

12.h. Country

Part 3. Eligibility Information for Attorney or Accredited Representative

Select all applicable items.

1.a. I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest courts of the following states, possessions, territories, commonwealths, or the District of Columbia. (If you need additional space, use Part 6.)

Licensing Authority

1.b. Bar Number (if applicable)

1.c. Name of Law Firm

1.d. I (choose one) am not am subject to any order of any court or administrative agency disbaring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law. If you are subject to any orders, explain in the space below. (If you need additional space, use Part 6.)

2.a. I am an accredited representative of the following qualified nonprofit religious, charitable, social service, or similar organization established in the United States, so recognized by the Department of Justice, Board of Immigration Appeals, in accordance with 8 CFR 292.2. Provide the name of the organization and the expiration date of accreditation.

2.b. Name of Recognized Organization

2.c. Date accreditation expires
(mm/dd/yyyy) ▶

Part 3. Eligibility Information for Attorney or Accredited Representative (continued)

3. I am associated with _____, the attorney or accredited representative of record who previously filed Form G-28 in this case, and my appearance as an attorney or accredited representative is at his or her request.

NOTE: If you select this item, also complete Item Numbers 1.a. - 1.b. or Item Numbers 2.a. - 2.c. in Part 3. (whichever is appropriate).

4.a. I am a law student or law graduate working under the direct supervision of the attorney or accredited representative of record on this form in accordance with the requirements in 8 CFR 292.1(a)(2)(iv).

4.b. Name of Law Student or Law Graduate

Part 4. Applicant, Petitioner, Requestor, or Respondent Consent to Representation, Contact Information, and Signature

Consent to Representation and Release of Information

1. I have requested the representation of and consented to being represented by the attorney or accredited representative named in Part 1. of this form. According to the Privacy Act of 1974 and DHS policy, I also consent to the disclosure to the named attorney or accredited representative of any record pertaining to me that appears in any system of records of USCIS, ICE or CBP.

When you (the applicant, petitioner, requestor, or respondent) are represented, DHS will send notices to both you and your attorney or accredited representative either through mail or electronic delivery.

DHS will also send the Form I-94, Arrival Departure Record, to you unless you select Item Number 2.a. in Part 4. All secure identity documents and Travel Documents will be sent to you (the applicant, petitioner, requestor, or respondent) at your U.S. mailing address unless you ask us to send your secure identity documents to your attorney of record or accredited representative.

If you do not want to receive original notices or secure identity documents directly, but would rather have such notices and documents sent to your attorney of record or accredited representative, please select all applicable boxes below:

2.a. I request DHS send any notice (including Form I-94) on an application, petition, or request to the U.S. business address of my attorney of record or accredited representative as listed in this form. I understand that I may change this election at any future date through written notice to DHS.

2.b. I request that DHS send any secure identity document, such as a Permanent Resident Card, Employment Authorization Document, or Travel Document, that I am approved to receive and authorized to possess, to the U.S. business address of my attorney of record or accredited representative as listed in this form or to a designated military or diplomatic address for pickup in a foreign country (if permitted). I consent to having my secure identity document sent to my attorney of record or accredited representative's U.S. business address and understand that I may request, at any future date and through written notice to DHS, that DHS send any secure identity document to me directly.

3.a. Signature of Applicant, Petitioner, Requestor, or Respondent

➔ _____

3.b. Date of Signature (mm/dd/yyyy) ➔ 09/02/2016

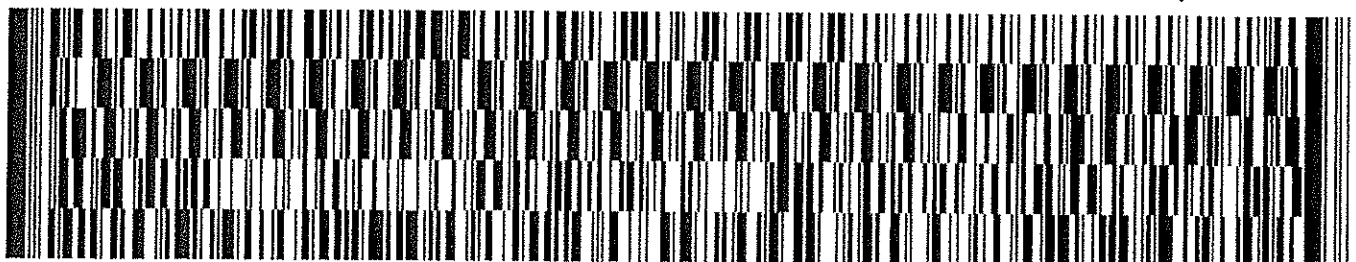
Part 5. Signature of Attorney or Accredited Representative

I have read and understand the regulations and conditions contained in 8 CFR 103.2 and 292 governing appearances and representation before the Department of Homeland Security. I declare under penalty of perjury under the laws of the United States that the information I have provided on this form is true and correct.

1. Signature of Attorney or Accredited Representative

2. Signature of Law Student or Law Graduate

3. Date of Signature (mm/dd/yyyy) ➔ 09/02/2016



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

I-765, Application For Employment Authorization

For USCIS Use Only	Fee Stamp	Action Block	Initial Receipt	Resubmitted
			Relocated	
			Received	Sent
			Completed	
<input type="checkbox"/> Application Approved <input type="checkbox"/> Authorization/Extension Valid From _____ <input type="checkbox"/> Authorization/Extension Valid To _____ Subject to the following conditions: _____		<input type="checkbox"/> Application Denied - Failed to establish: <input type="checkbox"/> Eligibility under 8 CFR 274a.12 (a) or (c) <input type="checkbox"/> Economic necessity under 8 CFR 274a.12(c)(14), (18) and 8 CFR 214.2(f)		Approved Denied A# _____
			<input type="checkbox"/> Applicant is filing under section 274a.12 _____	

I am applying for: Permission to accept employment. Replacement (of lost employment authorization document).
 Renewal of my permission to accept employment (attach a copy of your previous employment authorization document).

1. **Full Name**
 (Family Name) (First Name) (Middle Name)
Rodriguez Hernandez Jane

2. **Other Names Used** (include Maiden Name)
Jane Rodriguez

3. **U.S. Mailing Address**
 (Street Number and Name) (Apt. Number)
111 Happy Lane 201
 (Town or City) (State) (ZIP Code)
Minneapolis MN 55407

4. **Country of Citizenship or Nationality**
Mexico

5. **Place of Birth**
 (Town or City) (State/Province) (Country)
Ciudad Juarez Juarez Mexico

6. **Date of Birth** (mm/dd/yyyy) 01/01/1981

7. **Gender** Male Female

8. **Marital Status**
 Married Single Divorced Widowed

9. **Social Security Number** (Include all numbers you have ever used, if any)
000000001

10. **Alien Registration Number (A-Number) or Form I-94 Number** (if any)
012345678

11. **Have you ever before applied for employment authorization from USCIS?**
 Yes (Complete the following questions.)
 Which USCIS Office? Dates
VSC 09/2013
 Results (Granted or Denied - attach all documentation)
Granted
 No (Proceed to Question 12.)

12. **Date of Last Entry into the U.S., on or about** (mm/dd/yyyy)
06/2002

13. **Place of Last Entry into the U.S.**
Arizona

14. **Status at Last Entry** (B-2 Visitor, F-1 Student, No Lawful Status, etc.)
No Lawful Status

15. **Current Immigration Status** (Visitor, Student, etc.)
U-1 (Primary U Visa Status)

16. **Eligibility Category.** Go to the "Who May File Form I-765?" section of the Instructions. In the space below, place the letter and number of the eligibility category you selected from the instructions. For example, (a)(8), (c)(17)(iii), etc.
(c) (9) ()

17. **(c)(3)(C) Eligibility Category.** If you entered the eligibility category (c)(3)(C) in Question 16 above, list your degree, your employer's name as listed in E-Verify, and your employer's E-Verify Company Identification Number or a valid E-Verify Client Company Identification Number in the space below.
 Degree Employer's Name as listed in E-Verify
N/a N/A
 Employer's E-Verify Company Identification Number or a Valid E-Verify Client Company Identification Number
N/A

18. **(c)(26) Eligibility Category.** If you entered the eligibility category (c)(26) in Question 16 above, please provide the receipt number of your H-1B principal spouse's most recent Form I-797 Notice of Approval for Form I-129.
N/A

Certification
 I certify, under penalty of perjury, that the foregoing is true and correct. Furthermore, I authorize the release of any information that U.S. Citizenship and Immigration Services needs to determine eligibility for the benefit I am seeking. I have read the "Who May File Form I-765?" section of the instructions and have identified the appropriate eligibility category in Question 16.

Applicant's Signature [Signature]
 Date of Signature (mm/dd/yyyy) 09/02/2016
 Telephone Number _____

Signature of Person Preparing Form, If Other Than Applicant

I declare that this document was prepared by me at the request of the applicant and is based on all information of which I have any knowledge.

Preparer's Signature [Signature]
 Date of Signature (mm/dd/yyyy) 09/02/2016
 Printed Name Anne Marie Applebaum
 Address 450 North Syndicate Street, Suite 200
Saint Paul, MN 55104

Sample Principal Statement

My name is [REDACTED] and I am sending this application today to ask for a greencard.

I got my U Visa in October of 2010. Since getting my U visa status in 2010 I have always lived and worked in Minnesota. Since I got my U Visa have never traveled outside of the United States.

In 2009 my boyfriend [REDACTED] was convicted for what he did to me. Since he was convicted and deported the police and the attorneys have not contacted me. But if they did contact me and asked for my help with the case against [REDACTED] I would help in any way I could.

I want a green card so I can stay and live in the United States. In Ecuador there is nothing for me. The safety and life is better in the United States for me. I would feel unsafe to live in Ecuador because there is no safety. I need to stay in the United States because all of my children and my grandchildren are here. Most of my children are young, they live with me, and they need me here to take care of them. My children depend on me to work and my mother in Ecuador also depends on me to send money to her.

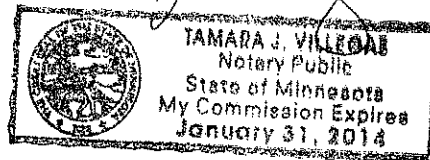
Since coming to the United States I have never had problems with the police. I work very hard and I take care of my children. I want to share with you information about my work to fix a misunderstanding from my U Visa application. On the pardon application that was sent with my U Visa application it asked to forgive me for saying I was a citizen. But that was a misunderstanding. I have never claimed to be a U.S. citizen. I worked with a fake social security card, but it was in my name and a fake number. I also never told my employer that I was a citizen and never showed them any documents that said I was a citizen. I was confused about this issue when I sent my U visa application, so I want to share with you now the correct information.

X [REDACTED]

11/22/13

Signed before me this 22nd day of November 2013

Tamara J. Villedas



Sample Derivative Statement

My lawyer is helping me to write this statement. She is writing what I am telling her. Everything here is the truth.

As far as I know, the case that got me the visa U was that my mom was the victim of domestic abuse. The police never talked to me about it, but if they had needed to, I would have talked to them.

I have not left the United States since I came in 2006 when I was nine. I have always lived in Minnesota since I came here. This is where I have lived and gone to school. I have not left the U.S. for any reason since I came in 2006.

I would like to keep living here because there aren't many opportunities in Mexico. You might get a job but it would pay too little to support yourself. You can't just say I want to be a doctor or president but you can't do that. Here you can get a better education, get a degree and have a career. Here I can decide what I want to study or what I want to work in and I have the chance to do it. In Mexico I saw my aunt who wanted to go as far as she could but when she graduated, she couldn't find a good job. It was back to the house. Where we are from you grow your own food.

I'm going to graduate from high school next year. Then I want to go to a two year college. I'm not sure what I'm going to study. There's a lot of things to think about. A lot of interesting things to study like science and photography. I believe that here, when I find what I want to study, I will be able to make a career out of it.

My family is here: my mom and my brothers. I don't want to go back to suffer all that I suffered there. I want to be around my family, not away from them. If I were deported, I wouldn't have nowhere to go.

If I went to Mexico I think I'd get sick. I'm used to how things are here. I would miss it if I left. We don't have a home there. I don't know about now, but before, people had guns and there were shootings. People settle things with guns and violence.

Here I have a counselor I talked to about problems I was having. I've never heard about that being available in Mexico. Doctors here know more things than they do in Mexico.

I am a person who respects the law and I just want to stay here with my family and have my career and someday become a US citizen.

[Redacted Signature]

Date: [Redacted Date]

SECTION 4 USCIS NOTICES & SAMPLE CLIENT CORRESPONDENCE

- **Sample of Letter Confirming Client Meeting**
- **Sample of Letter to Client Forwarding Copy of Filing**
- **Sample Letter to Client Forwarding Receipt Notices**
- **Sample Letter Notifying Client of U Visa Extension Notice**
- **Sample Letter to Client Forwarding Fingerprint Appointment Notice**
- **Sample Change of Address Letter to Vermont Service Center**
- **Sample Closing Letter to Client**
- **Receipt Notification for I-485**
- **Receipt Notification for I-765**
- **Notice of Approval for Extension of U Non-Immigrant Status While Application Pending**
- **Temporary EAD Approval Notice**
- **Copy of Temporary EAD (category (c)(9))**
- **Fingerprint Appointment Notice**
- **Approval Notice of I-485**
- **Copy of Lawful Permanent Residence Card**

[DATE]

[CLIENT ADDRESS]

Dear [CLIENT NAME]:

Estimado/a [CLIENT NAME]:

I am writing to remind you that we have a meeting scheduled for **[Insert Date and Time]** at **[Insert Meeting Location]**. At the meeting we will fill out the forms for your green card application, write an affidavit that will be included in your application, and I will gather all of the supporting documentation for the filing. I expect that the meeting will take approximately 2.5 hours. The following is a list of items you should bring to the meeting:

Le escribo para recordarle que tenemos una cita el [Insert date and time] a [Insert Location]. Durante la cita, llenaremos las formas para su aplicación para la tarjeta de residencia, escribiremos una declaración que será incluida en su aplicación, y reuniré toda la documentación de apoyo para la aplicación. Pienso que la cita va a durar aproximadamente dos horas y media. Lo siguiente es una lista de documentos que debe traer a la cita:

1. Proof of your household income. If you filed 2013 taxes please bring a copy of the tax return, also please bring pay stubs for the last two months for you and anyone else in your household who is working. If you receive public benefits please bring copies of records showing what benefits you receive;

Prueba de ingreso de su hogar. Si hizo los impuestos del 2013, por favor traiga una copia de la declaración de impuestos. También, traiga por favor comprobantes de ingreso por los últimos dos meses de usted y de cualquier otra persona en su casa que este trabajando. Si recibe beneficios públicos, por favor traiga copias de los registros demostrando cuales beneficios recibe;

2. Your Passport;

Su pasaporte;

3. Copy of applicant's birth certificate;
Una copia de la acta de nacimiento del solicitante;
4. Two passport photos;
Dos fotos estilo pasaporte;
5. Your social security card;
Su tarjeta de seguro social;
6. Your Employment Authorization card;
Su tarjeta del permiso de trabajo;
7. Evidence that you resided in the United States for the past three years (examples: copies of taxes, paystubs, leases, records of doctor visits or other appointments, mail that you have received at your home, etc.). Ideally we would like to have evidence to cover every month during the past three years;
Evidencia que usted ha vivido en los Estados Unidos por los últimos cinco años (ejemplos: copias de los impuestos, recibos de pago, contrato de arrendamiento, registros de visitas al doctor u otras citas, correo que usted ha recibido a su casa, etc.). Idealmente, nosotros queremos tener evidencia que cubra cada mes durante los últimos tres años;
8. A sealed medical exam report from a civil surgeon;
Un informe sellado del examen médico de un cirujano civil;
9. A copy of the U Visa application that was filed on your behalf and copies of the approval notices from your U Visa case;
Una copia de la solicitud de la Visa-U que fue presentada en su nombre y copias de los avisos de aprobación de su caso de la Visa-U;
10. The following information about all of your children: First and last names, Dates of Birth, A-numbers, Country of Birth;
La siguiente información de todos los niños: Nombres completos, fechas de nacimiento, números de inmigrante (números A), países de nacimiento;
11. The following information for about mother and father: Full names, Dates of Birth, City and country of birth, City and country of residence;
La siguiente información de sus padres: Nombres completos, fechas de nacimiento, ciudad y país de nacimiento, ciudad y país de residencia;
12. List of any organizations, clubs or societies of which you have been a member in the United States or other places since age 16. Please also bring the dates of membership for each organization.

13. List of addresses for the last five years, and dates you resided at those addresses;

Lista de direcciones por los últimos cinco años y las fechas en que residió en esas direcciones;

14. Last address where you lived for more than one year outside of the United States;

Lista de su empleadores y fechas de empleo por los últimos cinco años.

If you cannot gather all of this evidence by the date of our meeting that is okay, but try to bring as much of it as possible. I have included a list of some civil surgeons in your area in case you need referrals for doctors who can fill out the medical form you will need for your application. I cannot recommend a particular doctor, but suggest that if you do not already have a civil surgeon, to call several from the list to find the best price for the exam. If you have any questions please call me at [ATTORNEY NUMBER].

Si no puede reunir toda esta evidencia para la fecha de nuestra cita, está bien, pero por favor trate de traer lo más posible. He incluido una lista de cirujanos civiles en su área, en caso de que necesite referencias de doctores que puedan llenar la forma medica que vamos a necesitar para su solicitud. No puedo recomendar un doctor en particular, pero le sugiero que si todavía no tiene un cirujano civil, puede llamar a varios doctores que se encuentran en la lista para encontrar el mejor precio para el examen. Si tiene preguntas, usted puede llamar al [ATTORNEY NUMBER].

Sincerely,

Atentamente,

[ATTORNEY NAME]

DATE

NAME
ADDRESS

Dear _____:
Estimada _____;

I hope this letter finds you well. I am writing to let you know that I sent your case to the immigration office in Vermont today. Enclosed are copies for your reference.
Espero que se encuentre bien al recibir la presente. Le escribo para avisarle que envié por correo certificado su caso a la oficina de inmigración en Vermont el día de hoy. Incluimos copias para su archivo.

Immigration should send us the case receipts in a few weeks. Then they will send an appointment to have your fingerprints taken. I will let you know in a letter each time there is correspondence from immigration.

Inmigración debe de mandar los recibos del caso en unas semanas. Después mandan la cita para ir a poner las huellas. le dejare saber por medio de una carta cada vez que haya alguna correspondencia de parte de inmigración.

According to our recent experience with these cases, it is unknown how long immigration will take to make a decision in your case. The time it takes to decide your case does not mean that there is a problem. While we are waiting for a decision, you should avoid problems with the law, never say that you are a U.S. citizen, never vote in the elections or travel out of the U.S.

Según nuestra experiencia mas reciente con estos casos, no se sabe cuanto tiempo inmigración puede demorar con la decisión de su caso. El tiempo que tome en decidir su caso no indica que hay algún problema. Mientras esperamos la decisión usted debe evitar tener problemas con la ley, nunca debe declararse como ciudadana de los EE.UU., no debe votar en las elecciones ni debe viajar fuera del país.

Don't forget to let me know about any changes of address or phone number.
No se olvide en comunicarme de cualquier cambio de dirección o numero telefónico.

Thank you for your attention. Don't hesitate to contact me with any questions.
Gracias por su atención. No dude en comunicarse conmigo para cualquier pregunta o duda.

Sincerely,
Sinceramente,

NAME
TITLE
Enclosures: Copies
Inclusos: Copias

DATE

NAME
ADDRESS

Dear _____:
Estimada _____:

I hope this letter finds you well.
Espero que se encuentre bien al recibir la presente.

I am enclosing the copies of the immigration receipts indicating that they have received the application and evidence. You should keep them for your reference.
Adjunto estan las copias de los recibos de inmigración donde indica que recibieron la aplicación y las evidencias. Usted debe guardarlos en su archive para futura referencia.

I will be in contact with you again soon.
Estaré en comunicación con usted pronto.

Sincerley,
Sinceramente

[ATTORNEY NAME]

[DATE]

[CLIENT NAME]

[CLIENT ADDRESS]

Estimado Sr(a)._____.

Dear _____.

Espero que se encuentre bien. Le escribo acerca de su caso para la residencia. El servicio de inmigración (USCIS) acaba de extender su estatus de la visa U mientras que esperamos una decisión para su aplicación para la residencia permanente.

I hope this finds you well. I am writing regarding your application for residence. United States Citizenship and Immigration Services (USCIS) has just extended your U visa status while we wait for a decision for your application for permanent residence.

Llegó este aviso de extensión del estado legal. El aviso explica que su estado legal bajo la visa U está extendido hasta que haya una decisión sobre su aplicación para la residencia permanente.

(Adjunto se encuentra copia de este aviso del servicio de inmigración.)

This notice of extension of legal status arrived. The notice explains that your legal status under the U Visa is extended until USCIS makes a decision on your application for permanent residence. (Attached you will find a copy of this notice from USCIS.)

Yo le notificaré cuando reciba cualquier otra correspondencia de USCIS. Si tiene alguna pregunta, por favor llámeme al 651-641-1011 Ext. 215. Además, si cambia su información de contacto (número de teléfono o dirección) favor de dejarme saber inmediatamente. Recuerde que tiene la responsabilidad de notificar a USCIS si hay algún cambio en su dirección.

I will notify you when I receive other correspondence from USCIS. If you have a question, please call me at 651-641-1011 ext. 215. Additionally, if you change your contact information (phone number or address), please let me know immediately. Remember that you have the responsibility to notify USCIS if there is a change to your address.

Atentamente,
Sincerely,

[ATTORNEY NAME]

Adjunto Aviso de la extensión de su estatus de la visa U
Attachment: Notice of the extension of U visa status

[DATE]

NAME
ADDRESS

Dear _____:
Estimado/a _____:

Enclosed please find your fingerprint appointment notice. To proceed with your application, immigration needs to take your fingerprints, which will be verified by the FBI. You have an appointment for fingerprinting on _____ at _____ at the Immigration Application Support Center located at:

Adjunto se encuentra la notificación para tomar sus huellas digitales. Para proceder con su aplicación, es necesario que el Servicio de Inmigración y Naturalización tome sus huellas y que sean verificadas por el FBI. Ud. tiene una cita para tomar sus huellas _____ a la(s) _____ en el Application Support Center del Servicio de Inmigración, localizado en:

[INSERT ADDRESS FOR FINGERPRINT OFFICE HERE]

Please note that this is **not** the Immigration Office in Bloomington. You can go to this appointment on your own since there will not be any questions about the application we filed. It is only to have your fingerprints and picture taken.

*La oficina está ubicada a algunas cuerdas de nuestra oficina, Oficina Legal (ILCM). Tome cuenta que el Application Support Center **no** es la oficina del Servicio de Inmigración en Bloomington. Ud. puede presentarse a esta cita solo/a ya que no hay ninguna entrevista sobre la aplicación sometida. Es solo para tomar sus huellas y una foto..*

You will need to bring the following to your appointment:
Para su cita, es necesario que usted traiga lo siguiente:

1. The original fingerprint notice (included here)

La carta original de su notificación (incluido aqui)

2. Photo identification (Example: license, consular I.D., passport)

Algún tipo de identificación con foto (ejemplo: Cedula, licencia, pasaporte)

If you cannot attend the appointment, please contact me office right away so we can change the appointment for you.

Si usted no puede asistir a su cita, comuníquese con nuestra oficina inmediatamente, para poder cambiar su cita a otra fecha y tiempo.

Sincerely,

Atentamente,

NAME

TITLE

Enclosure

Incluso

[DATE]

USCIS -- Vermont Service Center
ATTN: CRU
75 Lower Weldon Street
St. Albans, VT 05479-0001

ATTN: CHANGE OF ADDRESS

RE: [APPLICANT'S NAME], [APPLICANT'S A NUMBER]

Dear Sir/Madam:

Our office represents [APPLICANT'S NAME] in her request for an adjustment of status to Lawful Permanent Status (Receipt Number: _____). I am writing to notify you that [APPLICANT'S NAME] has recently moved. She now resides at: [APPLICANT'S NEW ADDRESS]. Enclosed is an AR-11 Change of Address form. If you have any questions or concerns regarding this letter please feel free to contact me directly at [ATTORNEY'S NUMBER]. Thank you.

Sincerely,

[ATTORNEY NAME]

[DATE]

[CLIENT NAME]

[CLIENT ADDRESS]

Estimado Sr (a). _____.

Dear _____.

Espero que se encuentre bien. Le escribo acerca de su caso migratorio con muy buenas noticias. ¡El servicio de inmigración ha aprobado su aplicación para la residencia permanente! Adjunto podrá encontrar el aviso de aprobación. RECIBI SU TARJETA DE RESIDENCIA, FAVOR DE LLAMARME PARA DEJARME SABER CUANDO QUIERE VENIR A RECOGERLO.

I hope this finds you well. I am writing to you with very good news regarding your immigration case. United States Citizenship and Immigration Services (USCIS) has approved your application for permanent residence! Attached please find the notice of approval, I RECEIVED YOUR PERMANENT RESIDENT CARD, PLEASE CALL ME TO LET ME KNOW WHEN YOU WANT TO PICK IT UP.

¡Me da mucho gusto poder decirle FELICIDADES! y así poder cerrar su caso.

It gives me great pleasure to be able to close your case and tell you CONGRATULATIONS!

Hay varios aspectos de su nuevo estado legal que usted debe tomar en cuenta:

There are several things about your new legal status that you should keep in mind:

- Diferentes cargos criminales pueden causar que pierdes tu residencia y seas deportado. Como por ejemplo: robo que se cometa en una tienda, pelea o violencia doméstica, violar a una orden de protección, posesión de armas, ayudar a otra persona de entrar ilegalmente a los Estados Unidos, o casi cualquier delito de drogas. Debe evitar cualquier conducto criminal.

Different criminal charges can cause you to lose your residence and be deported. Some examples are: robbery or larceny committed in a store, fighting or domestic violence, violating an Order for Protection, possession of weapons, helping another person enter the United States illegally, or almost any drug crime. You should avoid any criminal conduct

- Ahora puede viajar fuera de los Estados Unidos. Debe viajar con su tarjeta de residencia. No debe permanecer fuera de los Estados Unidos por más de seis (6) meses en un viaje. Si piensas que vas estar fuera de los Estados Unidos por más de seis meses sería buena idea obtener un permiso para volver a entrar a los Estados Unidos sin problemas.

Now you can travel outside of the United States. You should travel with your permanent resident card. You should not stay outside of the United States for more than six (6) months in one trip. If you think that you are going to be outside of the United States for more than six months, it would be a good idea to obtain permission to be able to re-enter the United States without problems.

- Generalmente, usted podrá solicitar la ciudadanía estadounidense en cuatro años nueve meses desde la fecha que obtuvo su residencia permanente. Si Ud. está casado(a) con un(a) ciudadano(a) de los Estados Unidos, pueda solicitar la ciudadanía después de dos años y nueve meses. Puede

comunicarse con nuestra oficina en cuanto pase el tiempo requerido. Si requiere ayuda en solicitarla o si necesita más información, no dude en llamarnos.

Generally, one can apply for United States citizenship four years and nine months from the date of permanent residence. If you are married to a United States citizen, you can apply for citizenship after two year and nine months. You can contact our office after the required time has passed if you want help applying for citizenship or if you need more information.

Usted tiene la responsabilidad de notificar al Servicio de Inmigración (USCIS) de cualquier cambio de dirección que tenga hasta que se haga ciudadano estadounidense. TIENE QUE NOTIFICAR AL SERVICIO DE INMIGRACIÓN DENTRO DE 10 DÍAS DE HABERSE MUDADO. Debe guardar una copia de cada formulario de cambio de domicilio que se manda a USCIS. Puede notificarle a USCIS de un cambio de domicilio vía internet en el siguiente sitio www.uscis.gov usando el formulario AR-11 (Haga "click" en dónde dice "Change Your Address Online." Este servicio está disponible en español también.)

You have the responsibility to notify United States Citizenship and Immigration Services (USCIS) regarding any change in your address until you become a United States citizen. YOU HAVE TO NOTIFY USCIS WITHIN TEN (10) DAYS OF MOVING. You should keep a copy of every change of address form that you send to USCIS. You can notify USCIS of a change of address online at www.uscis.gov, using the form AR-11 (Click where it says "Change Your Address Online." This service is available in Spanish, too.)

- Siempre debe de tener su tarjeta de residencia consigo. Es un delito no tenerla con usted.
You should always have your permanent resident card with you. It is a crime to not have it with you.

- Ud. no es ciudadano estadounidense y nunca debe declararse ciudadano de los Estados Unidos o votar en las elecciones antes que sea ciudadano de los Estados Unidos. Todavía Ud. es ciudadano del país dónde nació, pero tiene la residencia permanente en los Estados Unidos hasta que se haga ciudadano de este país.

You are not a United States citizen and you should never declare yourself a citizen of the United States or vote in elections before becoming a citizen of the United States. You are still a citizen of the country where you were born, but you have permanent residence in the United States until you become a citizen of this country.

- Como residente permanente, Ud. puede solicitar una petición para su esposo(a) y sus hijos que no estén casados. Puede contactar a nuestra oficina si tiene preguntas acerca de peticiones familiares.
As a permanent resident, you can petition for your spouse and your children who are not married. You can contact our office if you have questions regarding family petitions.

Con esta información y con esta carta cerraré su caso en nuestra oficina. Si tiene alguna pregunta, no dude en comunicarse conmigo.

With this information and with this letter, I will close your case with our office. If you have questions you can contact me.

Como usted sabe, ILCM es una oficina sin fines de lucro que se dedica a servir a personas de bajos recursos, por esa razón, dependemos en parte de donaciones para poder seguir brindando servicios a nuevos clientes. No existe obligación, pero pedimos su ayuda si se encuentra en una situación en que pueda ayudar para que podamos seguir nuestra representación de la comunidad inmigrante. Si ya hizo una donación! Muchas gracias!

As you know, ILCM is an office that is dedicated to serving low-income people and for that reason, we depend in part on donations to be able to continue providing services to new clients. This is not an obligation, but we ask for your help if you find yourself in a situation where you can help so that

we can continue our representation of the immigrant community. If you have already made a donation, thank you very much!

*Ha sido un placer trabajar con usted. Le deseo lo mejor en el futuro. Otra vez, ¡felicidades!
It has been a pleasure to work with you on this matter. I wish you the best in the future. Again, congratulations!*

*Atentamente,
Sincerely,*

*Abogado
Attorney at Law*

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

RECEIPT NUMBER [REDACTED]		CASE TYPE I485 APPLICATION TO REGISTER PERMANENT RESIDENCE OR ADJUST STATUS	
RECEIVED DATE December 18, 2013	PRIORITY DATE	APPLICANT [REDACTED]	
NOTICE DATE December 20, 2013	PAGE 1 of 1		
ANNE MOIRA APPLEBAUM IMMIGRANT LAW CENTER OF MINNESOTA 450 NORTH SYNDICATE STREET STE 200 SAINT PAUL MN 55104		Notice Type: Receipt Notice Fee Previously Collected Section: Other basis for adjustment	

Receipt Notice- This notice confirms that USCIS received your application or petition ("this case") as shown above. If any of the above information is incorrect, please immediately call 800-375-5283 to let us know. This will help avoid future problems.

This notice does not grant any immigration status or benefit, nor is it evidence that this case is still pending. It only shows that the application or petition was filed on the date shown.

Processing time - Processing times vary by case type. You can check our website at www.uscis.gov for our current "processing times" for this case type at the particular office to which this case is or becomes assigned. On our website's "case status online" page, you can also view status or sign up to receive free e-mail updates as we complete key processing steps on this case. During most of the time this case is pending, however, our systems will show only that the case has been received, and the processing status will not have changed, because we will be working on other cases that were filed earlier than this one. We will notify you by mail, and show in our systems, when we make a decision on this case or if we need something from you. If you do not receive an initial decision or update from us within our current processing time, check our website or call 800-375-5283. Please save this notice, and any other notice we send you about this case, and please make and keep a copy of any papers you send us by any means, along with any proof of delivery to us. Please have all these papers with you if you contact us about this case.

If this case is an I-130 Petition - Filing and approval of a Form I-130, Petition for Alien Relative, is only the first step in helping a relative immigrate to the United States. The beneficiaries of a petition must wait until a visa number is available before they can take the next step to apply for an immigrant visa or adjustment of status to lawful permanent residence. To best allocate resources, USCIS may wait to process I-130 forms until closer to the time when a visa number will become available, which may be years after the petition was filed. Nevertheless, USCIS processes I-130 forms in time not to delay relatives' ability to take the next step toward permanent residence once a visa number does become available. If, before final action on the petition, you decide to withdraw your petition, your family relationship with the beneficiary ends, or you become a U.S. citizen, call 800-375-5283.

Applications requiring biometrics- In some types of cases USCIS requires biometrics. In such cases, USCIS will send you a SEPARATE appointment notice with a specific date, time and place for you to go to a USCIS Application Support Center (ASC) for biometrics processing. You must WAIT for that separate appointment notice and take it (NOT this receipt notice) to your ASC appointment along with your photo identification. Acceptable kinds of photo identification are: a passport or national photo identification issued by your country, a drivers license, a military photo identification, or a state-issued photo identification card. If you receive more than one ASC appointment notice, even for different cases, take them both to the first appointment.

If your address changes- If your mailing address changes while your case is pending, call 800-375-5283 or use the "Online Change of Address" function on our website. Otherwise, you might not receive notice of our action on this case.

NOTICE: Pursuant to the terms of the United States Immigration & Nationality Act (INA), the information provided on and in support of applications and petitions is submitted under penalty of perjury. USCIS and the U.S. Department of Homeland Security reserve the right to verify this information before and/or after adjudication to ensure conformity with applicable laws, rules, regulations, and other authorities. Methods used for verifying information may include, but are not limited to, the review of public information and records, contact by correspondence, the internet, or telephone, and site inspections of businesses and residences. Information obtained during the course of verification will be used to determine eligibility for the benefit sought. Applicants, petitioners, and representatives of record will be provided an opportunity to address derogatory information before any formal decision is made and/or proceeding is initiated.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

U.S. CITIZENSHIP & IMMIGRATION SVCS
VERMONT SERVICE CENTER
75 LOWER WELDEN STREET
SAINT ALBANS VT 05479-0001
Customer Service Telephone: (800) 375-5283



THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

RECEIPT NUMBER [REDACTED]		CASE TYPE I765 APPLICATION FOR EMPLOYMENT AUTHORIZATION	
RECEIVED DATE December 18, 2013	PRIORITY DATE	APPLICANT [REDACTED]	
NOTICE DATE December 20, 2013	PAGE 1 of 1		
ANNE MOIRA APPLEBAUM IMMIGRANT LAW CENTER OF MINNESOTA 450 NORTH SYNDICATE STREET STE 200 SAINT PAUL MN 55104		Notice Type: Receipt Notice Fee Waived Class requested: C09	

Receipt Notice- This notice confirms that USCIS received your application or petition ("this case") as shown above. If any of the above information is incorrect, please immediately call 800-375-5283 to let us know. This will help avoid future problems.

This notice does not grant any immigration status or benefit, nor is it evidence that this case is still pending. It only shows that the application or petition was filed on the date shown.

Processing time - Processing times vary by case type. You can check our website at www.uscis.gov for our current "processing times" for this case type at the particular office to which this case is or becomes assigned. On our website's "case status online" page, you can also view status or sign up to receive free e-mail updates as we complete key processing steps on this case. During most of the time this case is pending, however, our systems will show only that the case has been received, and the processing status will not have changed, because we will be working on other cases that were filed earlier than this one. We will notify you by mail, and show in our systems, when we make a decision on this case or if we need something from you. If you do not receive an initial decision or update from us within our current processing time, check our website or call 800-375-5283. Please save this notice, and any other notice we send you about this case, and please make and keep a copy of any papers you send us by any means, along with any proof of delivery to us. Please have all these papers with you if you contact us about this case.

If this case is an I-130 Petition - Filing and approval of a Form I-130, Petition for Alien Relative, is only the first step in helping a relative immigrate to the United States. The beneficiaries of a petition must wait until a visa number is available before they can take the next step to apply for an immigrant visa or adjustment of status to lawful permanent residence. To best allocate resources, USCIS may wait to process I-130 forms until closer to the time when a visa number will become available, which may be years after the petition was filed. Nevertheless, USCIS processes I-130 forms in time not to delay relatives' ability to take the next step toward permanent residence once a visa number does become available. If, before final action on the petition, you decide to withdraw your petition, your family relationship with the beneficiary ends, or you become a U.S. citizen, call 800-375-5283.

Applications requiring biometrics- In some types of cases USCIS requires biometrics. In such cases, USCIS will send you a SEPARATE appointment notice with a specific date, time and place for you to go to a USCIS Application Support Center (ASC) for biometrics processing. You must WAIT for that separate appointment notice and take it (NOT this receipt notice) to your ASC appointment along with your photo identification. Acceptable kinds of photo identification are: a passport or national photo identification issued by your country, a drivers license, a military photo identification, or a state-issued photo identification card. If you receive more than one ASC appointment notice, even for different cases, take them both to the first appointment.

If your address changes- If your mailing address changes while your case is pending, call 800-375-5283 or use the "Online Change of Address" function on our website. Otherwise, you might not receive notice of our action on this case.

NOTICE: Pursuant to the terms of the United States Immigration & Nationality Act (INA), the information provided on and in support of applications and petitions is submitted under penalty of perjury. USCIS and the U.S. Department of Homeland Security reserve the right to verify this information before and/or after adjudication to ensure conformity with applicable laws, rules, regulations, and other authorities. Methods used for verifying information may include, but are not limited to, the review of public information and records, contact by correspondence, the internet, or telephone, and site inspections of businesses and residences. Information obtained during the course of verification will be used to determine eligibility for the benefit sought. Applicants, petitioners, and representatives of record will be provided an opportunity to address derogatory information before any formal decision is made and/or proceeding is initiated.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

U.S. CITIZENSHIP & IMMIGRATION SVCS
VERMONT SERVICE CENTER
75 LOWER WELDEN STREET
SAINT ALBANS VT 05479-0001
Customer Service Telephone: (800) 375-5283



THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

RECEIPT NUMBER: [REDACTED]		CASE TYPE: Application to Register Permanent Residence or Adjust Status (Form I-485)
RECEIPT DATE: December 20, 2013	PRIORITY DATE December 20, 2013	Applicant: [REDACTED]
NOTICE DATE: January 6, 2014	PAGE: 1 of 1	Applicant A#: [REDACTED]
[REDACTED] C/O IMMIGRANT LAW CENTER OF MINNESOTA 450 NORTH SYNDICATE STREET STE 200 SAINT PAUL, MN 55104		Notice Type: Extension of T or U Nonimmigrant Status EXTENSION GRANTED BASED ON PENDING APPLICATION TO REGISTER PERMANENT RESIDENCE OR ADJUST STATUS (FORM I-485)
<p>Your T or U nonimmigrant status has been extended based on your pending Application to Register Permanent Residence or Adjust Status (Form I-485). Your status will be considered valid until a decision is rendered on your pending Form I-485.</p> <p>EMPLOYMENT AUTHORIZATION:</p> <p>You are authorized to work in the United States while your Application to Register Permanent Residence or Adjust Status (Form I-485) is pending. You may apply for work authorization by submitting an Application for Employment Authorization (Form I-765), pursuant to 8 Code of Federal Regulations section 274a.12(c)(9), to this office. If you have already filed this application, the decision on your application will be sent under separate cover.</p> <p>DEPARTING FROM THE UNITED STATES:</p> <p>If you plan to depart the United States you must obtain permission to return to the United States by requesting advance parole before you leave. If you do not obtain advance parole before your departure, you will be considered to have abandoned your application for adjustment of status and the application will be denied. Please see 8 CFR section 245.23(j), for T adjustment of status applications, and 245.24(j), for U adjustment of status applications.</p> <p>In addition, you may be unable to re-enter the United States, or you may be placed in removal proceedings before an Immigration Judge. You may apply for advance parole by submitting an Application for Travel Document (Form I-131) to this office. If you have already filed this application, the decision on your application will be sent under separate cover.</p> <p>Please see attached additional information on the back. You will be notified separately about other cases you filed.</p> <p>United States Citizenship and Immigration Services Vermont Service Center 75 Lower Welden Street St. Albans, VT 05479</p> <p>Form I-797 (rev. 06/08/12)</p>		

Please see the back of this notice for important information.



RECEIPT NUMBER [REDACTED]		CASE TYPE I765 APPLICATION FOR EMPLOYMENT AUTHORIZATION	
RECEIPT DATE December 20, 2013	PRIORITY DATE	APPLICANT [REDACTED]	
NOTICE DATE January 16, 2014	PAGE 1 of 1		
ANNE MOIRA APPLEBAUM IMMIGRANT LAW CENTER OF MINNESOTA 450 N SYNDICATE ST STE 200 SAINT PAUL MN 55104		Notice Type: Approval Notice Class: C09 Valid from 01/16/2014 to 01/15/2015	

Your application for employment authorization has been approved. The Form I-766, Employment Authorization Document, was sent under separate cover to the beneficiary.

This card authorizes your employment in the United States. Show this card to your employer to verify authorization to work during the dates on the card.

If any information on the card is incorrect, please write the office listed below. Include your Employment Authorization Document, I-766, a photocopy of this notice, and evidence to support the necessary corrections.

THIS APPROVAL NOTICE IS NOT A VISA OR EVIDENCE OF EMPLOYMENT AUTHORIZATION, NOR MAY IT BE USED IN PLACE OF A VISA OR FORM I-766.


As a reminder, you may request to change employers under INA 204(j) if your Form I-485 Adjustment application has been pending for at least 180 days and your underlying Form I-140 is approved or is still pending. In order to do so, you should supplement the Form I-485 record of proceeding with documentation relating to the new job offer that forms the basis of the INA 204(j) portability request. For more information on how to request to change employers and what information is required to supplement the Form I-485, please visit www.uscis.gov.

THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA.

NOTICE: Although this application/petition has been approved, USCIS and the U.S. Department of Homeland Security reserve the right to verify the information submitted in this application, petition and/or supporting documentation to ensure conformity with applicable laws, rules, regulations, and other authorities. Methods used for verifying information may include, but are not limited to, the review of public information and records, contact by correspondence, the internet, or telephone, and site inspections of businesses and residences. Information obtained during the course of verification will be used to determine whether revocation, rescission, and/or removal proceedings are appropriate. Applicants, petitioners, and representatives of record will be provided an opportunity to address derogatory information before any formal proceeding is initiated.

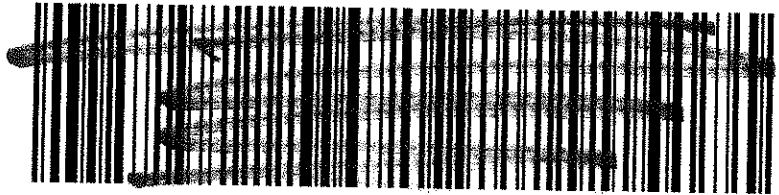
Please see the additional information on the back. You will be notified separately about any other cases you filed.

U.S. CITIZENSHIP & IMMIGRATION SVCS
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SAINT ALBANS VT 05479-0001
Customer Service Telephone: (800) 375-5283



75 Lower Welden Street
St. Albans, VT 05479-0001

ZIP – USPS DELIVERY CONFIRMATION



USCIS National Customer Service Center
1-800-375-5283

IMMIGRANT LAW CENTER OF MINNESOTA
450 N SYNDICATE ST STE 200
SAINT PAUL, MN 55104-0000

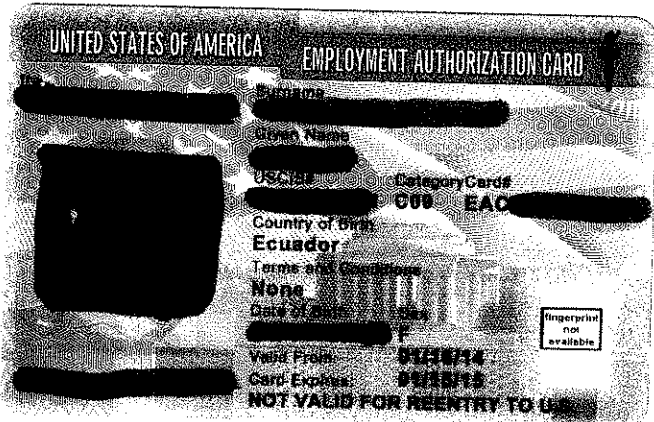
Date 1/20/2014

IMPORTANT INFORMATION – SAVE THIS MAILER

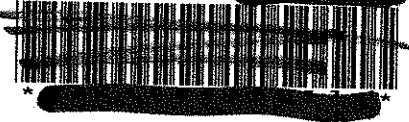
Use this section to speed your application for an extension or replacement card.

A# [REDACTED]

IMMIGRANT LAW CENTER OF MINNESOTA
450 N SYNDICATE ST STE 200
SAINT PAUL, MN 55104-0000



RECEIPT # EAC [REDACTED]



CARD # [REDACTED]



Help USCIS Serve You Better

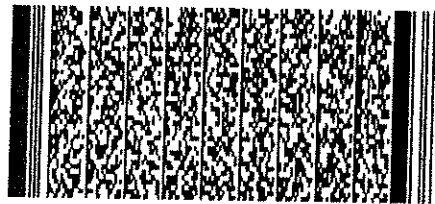
We recommend you keep this notice in a safe place for your future reference. It shows your USCIS "A" or "N" number, which is your USCIS account and file number, and it also has other important information.

The tear-off portion of this mailer can also help speed your later application for another card. When you file for another card, we recommend you attach the tear-off portion to your completed application.

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

ASC Appointment Notice	APPLICATION NUMBER [REDACTED]		NOTICE DATE 1/22/2014
	CASE TYPE 1485 Application to Register Permanent Residence or Adjust Status	SOCIAL SECURITY NUMBER [REDACTED]	USCIS A# [REDACTED]
	TCR	SERVICE CENTER ESC	PAGE 1 of 1

[REDACTED]
c/o IMMIGRANT LAW CENTER OF MINNESOTA
450 NORTH SYNDICATE STREET STE 200
ST PAUL, MN 55104



To process your application, the U. S. Citizenship & Immigration Services (USCIS) must capture your biometrics.
PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE DATE AND TIME SPECIFIED.
IF YOU FAIL TO APPEAR AS SCHEDULED, YOUR APPLICATION WILL BE CONSIDERED ABANDONED.

APPLICATION SUPPORT CENTER USCIS ST. PAUL 1105 University Avenue Suite 102 ST. PAUL, MN 55104	PLEASE READ THIS ENTIRE NOTICE CAREFULLY. DATE AND TIME OF APPOINTMENT 02/06/2014 9:00 AM
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WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR BIOMETRICS TAKEN, YOU MUST BRING:

- 1. THIS APPOINTMENT NOTICE** and
- 2. PHOTO IDENTIFICATION.** Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, your biometrics may not be taken.

CELL PHONES, CAMERAS, OR OTHER RECORDING DEVICES ARE NOT PERMITTED.

REQUEST FOR RESCHEDULING

Please reschedule my appointment. Upon receipt of your request, you will be provided a new appointment notice. Make a copy of this notice for your records, then mail the original with your request to BPU, Alexandria ASC, Suite 100, 8850 Richmond Hwy, Alexandria, VA 22309-1586

APPLICATION NUMBER
1485



If you have any questions regarding this notice, please call 1-800-375-5283.

WARNING: Due to limited seating availability in our lobby area, only persons who are necessary to assist with transportation or completing the biometrics worksheet should accompany you. If you have open wounds or bandages/casts when you appear, the USCIS may reschedule your appointment if it is determined your injuries will interfere with taking your biometrics.

UNITED STATES OF AMERICA

RECEIPT NUMBER [REDACTED]		CASE TYPE I485 APPLICATION TO REGISTER PERMANENT RESIDENCE OR ADJUST STATUS	
RECEIPT DATE December 20, 2013	PRIORITY DATE December 18, 2013	APPLICANT [REDACTED]	
NOTICE DATE April 4, 2014	PAGE 1 of 1		
C/O IMMIGRANT LAW CENTER OF MINNESOTA 450 NORTH SYNDICATE STREET STE 200 SAINT PAUL MN 55104		Notice Type: Approval Notice Section: Other basis for adjustment COA: Unknown	

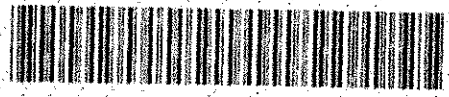
This courtesy notice is to advise you of action taken on this case. The official notice has been mailed to the authorized representative. Any relevant documentation included in the notice was also mailed as part of the official notice.

The above application has been approved. Prior to receiving your permanent resident card you may be required to report for biometrics processing (photo/fingerprint/signature). Please do not take any action at this time. If you are required to report for this processing, you will receive another notice advising you of the date, time and location to appear.

If you have not received your permanent resident card or the above mentioned notice to appear for biometric processing within 90 days, please call this office at the number listed below.

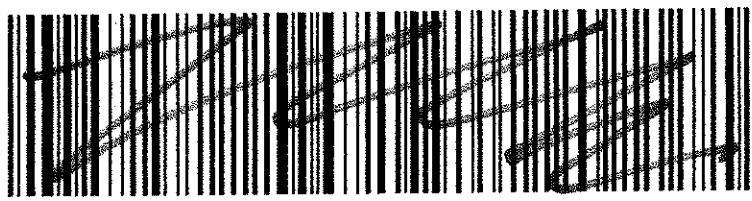
NOTICE: Although this application/petition has been approved, USCIS and the U.S. Department of Homeland Security reserve the right to verify the information submitted in this application, petition and/or supporting documentation to ensure conformity with applicable laws, rules, regulations, and other authorities. Methods used for verifying information may include, but are not limited to, the review of public information and records; contact by correspondence, the internet, or telephone, and site inspections of businesses and residences. Information obtained during the course of verification will be used to determine whether revocation, rescission, and/or removal proceedings are appropriate. Applicants, petitioners, and representatives of record will be provided an opportunity to address derogatory information before any formal proceeding is initiated.

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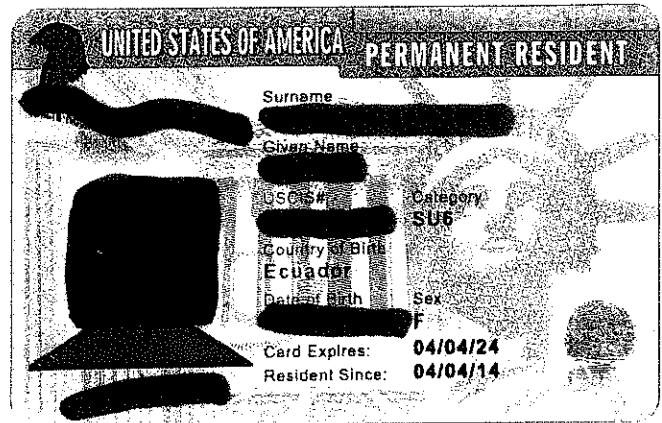
IMMIGRANT LAW CENTER OF MINNESOTA
450 NORTH SYNDICATE STREET STE 200
SAINT PAUL, MN 55104-0000

Date 4/9/2014

IMPORTANT INFORMATION – SAVE THIS NOTICE

Use this tear-off portion to speed your application for an extension or replacement card.

A# [REDACTED]
[REDACTED]
IMMIGRANT LAW CENTER OF MINNESOTA
450 NORTH SYNDICATE STREET STE 200
SAINT PAUL, MN 55104-0000



RECEIPT # [REDACTED]



CARD # [REDACTED]



Help USCIS Serve You Better

We recommend that you keep this notice for your records. It has important information.

The tear-off portion of this notice can help speed your application for an extension or replacement card. When you file for another card, we recommend you attach the tear-off portion to your completed application.