

In addition, if your J status made you subject to the 2-year foreign residence requirement of INA section 212(e), you must submit documentation to show that you complied with the foreign residence requirement, have been granted a waiver of the requirement before filing Form I-485, or were issued a favorable waiver recommendation letter from DOS before filing Form I-485. You can show you complied with the requirement by submitting evidence to prove you resided in the appropriate home country for at least two years since your exchange visitor program ended. For information about waiver of the requirement, see the Instructions for Form I-612, Application for Waiver of the Foreign Residence Requirement.

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

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

What Is the Filing Fee?

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

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

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

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

If you are **79 years of age or older**, you do not need to pay a biometric services fee. However, you still must appear for your scheduled biometrics collection appointment.

If you are **13 years of age or younger**, you do not need to pay a biometric services fee. However, you still must appear for your scheduled biometrics collection appointment. If you turn 14 years of age while your application is pending, you will then have to pay an **\$85** biometric services fee before USCIS will adjudicate your application.

You do not need to pay either the Form I-485 filing fee or biometric services fee if:

1. You are a refugee adjusting status under INA section 209(a). Refugees are automatically exempt from paying the Form I-485 filing fee and biometric services fee and are not required to demonstrate an inability to pay;
2. You qualify for and receive a fee waiver based on your inability to pay. If you believe you are eligible for a fee waiver under 8 CFR 103.7(c), complete Form I-912, Request for Fee Waiver (or a written request), and submit it and any required evidence of your inability to pay the filing fee with this application. You can review the fee waiver guidance at www.uscis.gov/feewaiver or
3. You are in deportation, exclusion, or removal proceedings before an Immigration Judge, and the Immigration Judge waives your application fee. See 8 CFR 1003.24. If you believe you are eligible for a fee waiver, file a written request with the Immigration Judge, along with any required evidence of your inability to pay the filing fee. For additional information on filing a request for a fee waiver, see the Immigration Court Practice Manual at www.justice.gov/eoir/office-chief-immigration-judge-0.

NOTE: The filing fee and biometric services fee are not refundable, regardless of any action USCIS (or an Immigration Judge if you are in deportation, exclusion, or removal proceedings) takes on this application. **DO NOT MAIL CASH.** You must submit all fees in the exact amounts.

Use the following guidelines when you prepare your checks or money orders for the Form I-485 filing fee and biometric services fee:

1. The check or money order must be drawn on a bank or other financial institution located in the United States and must be payable in U.S. currency; **and**
2. Make the checks or money orders payable to **U.S. Department of Homeland Security**.

NOTE: Spell out U.S. Department of Homeland Security; do not use the initials “USDHS” or “DHS.”

Notice to Those Making Payment by Check. If you send us a check, USCIS will convert it into an electronic funds transfer (EFT). This means we will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually take 24 hours and your bank will show it on your regular account statement.

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

How To Check If the Fees Are Correct

Form I-485’s filing fee and biometric services fee are current as of the edition date in the lower left corner of this page. However, because USCIS fees change periodically, you can verify that the fees are correct by following one of the steps below.

1. Visit the USCIS website at www.uscis.gov, select “FORMS,” and check the appropriate fee; or
2. Call the USCIS Contact Center at **1-800-375-5283** and ask for fee information. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

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

If you properly file Form I-485 and pay the required fees, you may file Form I-765 and Form I-131 without paying additional fees. You may file these forms together, or if you choose to file Form I-765 or Form I-131 separately, you must also submit a copy of your I-797C, Notice of Action, receipt as evidence that you filed and paid for Form I-485.

Where To File?

Please see our website at www.uscis.gov/i-485 or call our USCIS Contact Center at **1-800-375-5283** for the most current information about where to file this application. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

If you are in proceedings in Immigration Court (that is, if you have been served with Form I-221, Order to Show Cause and Notice of Hearing; Form I-122, Notice to Applicant for Admission Detained for Hearing Before an Immigration Judge; Form I-862, Notice to Appear; or Form I-863, Notice of Referral to Immigration Judge, that U.S. Department of Homeland Security (DHS) filed with the Immigration Court), you should file this application with the appropriate Immigration Court. The DHS attorney will provide you with Pre-Order Filing Instructions regarding background and security investigations. You must also submit a copy to USCIS. Please see our website at www.uscis.gov/laws/immigration-benefits-eoir-removal-proceedings or call our USCIS Contact Center for the most current information about where to file the copy of the application that you file with the Immigration Court.

Address Change

An applicant who is not a U.S. citizen must notify USCIS of his or her new address within 10 days of moving from his or her previous residence. For information on filing a change of address, go to the USCIS website at www.uscis.gov/addresschange or contact the USCIS Contact Center at **1-800-375-5283**. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

If you are already in proceedings in Immigration Court, you must also notify the Immigration Court on EOIR Form 33/IC, Alien's Change of Address Form/Immigration Court, of any changes of address within five days of the change in address. The EOIR Form 33/IC is available on the EOIR website at www.justice.gov/eoir/formlist.htm.

NOTE: Do not submit a change of address request to the USCIS Lockbox facilities because the Lockbox does not process change of address requests.

Processing Information

You must be physically present in the United States and provide a United States address to file this application.

USCIS will reject any application that is not signed or accompanied by the correct filing fee and will send you a notice that your Form I-485 is incomplete. You may fix the problem and resubmit Form I-485. Form I-485 is not considered properly filed until USCIS accepts it.

Initial Processing. Once USCIS accepts your application we will check it for completeness. If you do not completely fill out this application, you will not establish a basis for your eligibility and USCIS may reject or deny your application.

Requests for More Information. We may request that you provide more information or evidence to support your application. We may also request that you provide the originals of any copies you submit. If USCIS or the Immigration Court requests an original document from you, it will be returned to you after USCIS or the Immigration Court determines it no longer needs your original.

Requests for Interview. We may request that you appear at a USCIS office for an interview based on your application. At the time of any interview or other appearance at a USCIS office, we may require that you provide your fingerprints, photograph, and/or signature to verify your identity and/or update background and security checks.

Decision. The decision on Form I-485 involves a determination of whether you have established eligibility for the immigration benefit you are seeking. USCIS will notify you of the decision in writing.

If You Leave the United States While Your Application Is Pending

If you are applying for adjustment of status under INA section 245, and you travel anywhere outside the United States (including brief visits to Canada or Mexico) while your application is pending, USCIS will deny your Form I-485 unless:

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

If you are applying for adjustment of status under INA section 209 because you were admitted as a refugee or granted asylum, you may travel abroad and return to the United States with a refugee travel document. You may obtain a refugee travel document by filing Form I-131 as specified in the Form I-131 Instructions. However, see Form I-131 Instructions for a travel warning regarding voluntary re-availment.

If you are applying for registry under INA section 249 and 8 CFR 249, you do not abandon your registry application by traveling abroad while it is pending. However, if you do not obtain an Advance Parole Document, you may not be able to return lawfully to the United States. You may obtain an Advance Parole Document by filing Form I-131 as specified in the Form I-131 Instructions.

Individuals With Disabilities and/or Impairments

USCIS is committed to providing reasonable accommodations for qualified individuals with disabilities and/or impairments that will help them fully participate in USCIS programs and benefits. Reasonable accommodations vary with each disability and/or impairment. They may involve modifications to practices or procedures. There are various types of reasonable accommodations that USCIS may offer. Examples include but are not limited to:

1. If you are deaf or hard of hearing, USCIS may provide you with a sign-language interpreter at an interview or other immigration benefit-related appointment;
2. If you are blind or have low vision, USCIS may permit you to take a test orally rather than in writing; or
3. If you are unable to travel to a designated USCIS location for an interview, USCIS may visit you at your home or a hospital.

If you believe that you need USCIS to accommodate your disability and/or impairment, select “Yes” and then any applicable box in **Part 9., Item Numbers 2.a. - 2.c.** that describes the nature of your disabilities and/or impairments. Also, describe the types of accommodations you are requesting on the lines provided. If you are requesting a sign-language interpreter, indicate for which language. If you need extra space to complete this section, use the space provided in **Part 14. Additional Information.**

NOTE: All domestic USCIS facilities meet the Accessibility Guidelines of the Americans with Disabilities Act, so you do not need to contact USCIS to request an accommodation for physical access to a domestic USCIS office. However, in **Part 9.** of this application, you can indicate whether you use a wheelchair. This will allow USCIS to better prepare for your visit.

NOTE: USCIS also ensures that limited English proficient (LEP) individuals are provided meaningful access at an interview or other immigration benefit-related appointment, unless otherwise prohibited by law. LEP individuals may bring a qualified interpreter to the interview.

USCIS considers requests for reasonable accommodations on a case-by-case basis, and we will make our best efforts to reasonably accommodate your disabilities and/or impairments. USCIS will not exclude you from participating in USCIS programs or deny your application because of your disabilities and/or impairments. Requesting and/or receiving an accommodation will not affect your eligibility for an immigration benefit.

For hearings before the Immigration Court: The Immigration Court is committed to addressing the needs of individuals with disabilities and/or impairments. If your case is pending before the Immigration Court, you should notify the court of any such need before your first hearing with an immigration judge. The Immigration Court considers all requests to address such needs on a case-by-case basis.

Interpreters are provided at government expense to individuals whose command of the English language is inadequate to fully understand and participate in removal proceedings. In general, the Immigration Court endeavors to accommodate the language needs of all respondents and witnesses. The Immigration Court will arrange for an interpreter both during the individual calendar hearing and, if necessary, the master calendar hearing.

USCIS Forms and Information

To ensure you are using the latest version of this application, visit the USCIS website at www.uscis.gov where you can obtain the latest USCIS forms and immigration-related information. If you do not have internet access, you may order USCIS forms by calling the USCIS Contact Center at **1-800-375-5283**. The USCIS Contact Center provides information in English and Spanish. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Instead of waiting in line for assistance at your local USCIS office, you can schedule an appointment online at www.uscis.gov. Select “Tools,” then under “Self Service Tools,” select “Appointments” and follow the screen prompts to set up your appointment. Once you finish scheduling an appointment, the system will generate an appointment notice for you.

Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with your Form I-485, we will deny your Form I-485 and may deny any other immigration benefit. In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.

USCIS Compliance Review and Monitoring

By signing this application, you have stated under penalty of perjury (28 U.S.C. section 1746) that all information and documentation submitted with this application are complete, true, and correct. You also authorize the release of any information from your records that USCIS may need to determine your eligibility for the immigration benefit you are seeking and consent to USCIS verifying such information.

DHS has the authority to verify any information you submit to establish eligibility for the immigration benefit you are seeking at any time. USCIS’ legal authority to verify this information includes, but is not limited to, 8 U.S.C. 1101 et seq, 8 CFR parts 1.1 et seq, as amended, and the related public laws and regulations. To ensure compliance with applicable laws and authorities, USCIS may verify information before or after your case is decided.

Agency verification methods may include, but are not limited to: review of public records and information; contact via written correspondence, the Internet, facsimile, other electronic transmission, or telephone; unannounced physical site inspections of residences and locations of employment; and interviews. USCIS will use information obtained through verification to assess your compliance with the laws and to determine your eligibility for an immigration benefit.

Subject to the restrictions under 8 CFR 103.2(b)(16), USCIS will provide you with an opportunity to address any adverse or derogatory information that may result from a USCIS compliance review, verification, or site visit after a formal decision is made on your case or after the agency has initiated an adverse action which may result in rescission or termination of lawful permanent resident status.

USCIS Privacy Act Statement

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

PURPOSE: The primary purpose for providing the requested information on this application is to determine if you have established eligibility to adjust status to that of a permanent resident of the United States or register permanent residence. DHS will use the information you provide to grant or deny your application to adjust status to lawful permanent resident.

DISCLOSURE: The information you provide is voluntary. However, failure to provide the requested information, and any requested evidence, may delay a final decision in your case or result in denial of your application.

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

Paperwork Reduction Act

An agency may not conduct or sponsor an information collection, and a person is not required to respond to a collection of information, unless it displays a currently valid Office of Management and Budget (OMB) control number. The public reporting burden for this collection of information is estimated at 6 hours and 25 minutes per response, including the time for reviewing instructions, gathering the required documentation and information, completing the application, preparing statements, attaching necessary documentation, and submitting the application. The collection of biometrics is estimated to require 1 hour and 10 minutes. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Office of Policy and Strategy, Regulatory Coordination Division, 5900 Capital Gateway Drive, Mail Stop #2140, Camp Springs, MD 20588-0009; OMB No. 1615-0023. **Do not mail your completed Form I-485 to this address.**

Checklist

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

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

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

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

Additional Instructions

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

Additional Instructions for Family-Based Applicants

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

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

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

Derivative applicants are not allowed in this category.

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

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

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

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

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

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

Widow or widower of a U.S. citizen

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

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

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

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

VAWA self-petitioner (Form I-360)

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

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

NOTE: VAWA-based applicants for adjustment of status are exempt from Affidavit of Support requirements; however, each applicant must include Form I-864W with the adjustment application.

NOTE: USCIS will not accept requests for Change of Address submitted online, mailed to USCIS Lockbox facilities, or by telephonic requests at the USCIS Contact Center for adjustment of status applications filed by VAWA self-petitioners. For information on filing a change of address go to the USCIS website at www.uscis.gov/addresschange or contact the USCIS Contact Center at **1-800-375-5283**. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Derivative Applicants

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

Additional Instructions for Employment-Based Applicants

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

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

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

Evidence of Financial Support

In general, if you are filing Form I-485 based on employment, you do not need to submit Form I-864, Affidavit of Support Under Section 213A of the Act. However, you must file Form I-864 if your Form I-140 was filed by a relative who is a U.S. citizen or lawful permanent resident or by a for-profit entity if 5% or more of the ownership interest is held by a relative who is a U.S. citizen or lawful permanent resident. In this context, “relative” means a U.S. citizen or lawful permanent resident who is your husband, wife, father, mother, child, adult son, adult daughter, or a U.S. citizen who is your brother or sister.

Request for Job Portability

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

National Interest Waiver (NIW) Physicians

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

USCIS will not approve your Form I-485 as an NIW physician until you submit evidence showing you have completed the full five years of required employment. You must submit evidence within 120 days of completing the five years of required employment. USCIS will consider your Form I-485 ready for final processing and adjudication once you submit this evidence.

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

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

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

Evidence of Financial Support

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

Additional Instructions for Special Immigrants

Religious worker (Form I-360)

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

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

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

Special immigrant juvenile (Form I-360)

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

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

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

Derivative applicants are not allowed in this category.

Evidence of Financial Support

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

Certain Afghan or Iraqi national (Form I-360)

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

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

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

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

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

Additional Evidence Requirements

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

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

Additional Instructions for Human Trafficking Victims and Crime Victims

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

You may apply to adjust status under INA section 245(l) if you are a victim of human trafficking who was admitted to the United States in T nonimmigrant status, maintained continuous physical presence for the required period of time, are a person of good moral character, and have complied with reasonable requests to assist law enforcement authorities in the investigation or prosecution of acts of trafficking, would suffer extreme hardship involving unusual and severe harm upon removal from the United States or were under 18 years of age at the time of the victimization that qualified you for T nonimmigrant status. Special confidentiality protections (described at 8 U.S.C. section 1367) apply to you as a human trafficking victim. 8 U.S.C. section 1367 provides two forms of critical protection for human trafficking victims. The first form of protection is a prohibition on adverse determinations against the victim based on information provided solely by their abuser and other prohibited sources. The second form of protection is a prohibition on disclosure of any information about the victim to third parties, except in certain very limited circumstances.

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

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

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

Evidence of Financial Support

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

Additional Evidence Requirements

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

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

In addition, principal applicants must also submit:

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

Evidence of Continuous Physical Presence

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

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

1. Copies of every page of your passport or equivalent travel document (or valid explanation of why you do not have such a document).
2. Documentation of any departure from, and return to, the United States while in T-1 nonimmigrant status, including:
 - A. Date of departure;
 - B. Place of departure;
 - C. Length of departure;
 - D. Manner of departure (plane, boat, etc.);
 - E. Date of return;
 - F. Place of return; and
 - G. Affidavit
3. Evidence establishing continuous physical presence, which may include, but is not limited to:
 - A. Documentation issued by any governmental or nongovernmental authority, provided the documentation contains your name, was dated at the time it was issued, and contains the normal signature, seal, or other authenticating instrument of the authorized representative of the issuing authority;
 - B. Educational documents;
 - C. Employment records;
 - D. Certification that you filed Federal or state income tax returns showing that you attended school or worked in the United States throughout the entire continuous physical presence period;
 - E. Documents showing installment payments, such as a series of monthly rent receipts or utility bills;

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

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

NOTE: If you do not have documentation to establish continuous physical presence, you must explain why in an affidavit and provide additional affidavits from others with first-hand knowledge who can attest to your continuous physical presence with specific facts. Your affidavit alone is not sufficient to show continuous physical presence.

NOTE: Generally, if you departed from the United States for any trip that lasted longer than 90 days or for multiple trips that together exceeded 180 days, you failed to maintain continuous physical presence unless you can establish that:

1. Your absence was necessary to assist in the investigation or prosecution of acts of trafficking; or
2. An official involved in the investigation or prosecution of acts of trafficking certifies that the absence was otherwise justified.

NOTE: If you have less than three years of continuous physical presence since you were first admitted as a T-1 nonimmigrant, you must submit a document signed by the Attorney General of the United States (or designee) stating that the investigation or prosecution is complete.

Evidence of Good Moral Character

Before USCIS can approve your application, USCIS must find that you are a person of good moral character according to INA section 101(f).

In order to demonstrate good moral character, you must submit:

1. Your own affidavit attesting to your good moral character; and
2. A local police clearance or a state-issued criminal background check from each locality or state in the United States that you have resided in for six or more months while you were in T-1 nonimmigrant status. If local police clearances, criminal background checks, or similar reports are not available for any location where you resided, you may include an explanation and submit other evidence about your good moral character while you resided at that location.

You may also submit other credible evidence of good moral character, such as affidavits from responsible persons who can knowledgeably attest to your good moral character.

If you are under 14 years of age, you do not need to submit evidence of good moral character. However, if there is reason to believe that you may lack good moral character, USCIS may require evidence of good moral character.

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

You must submit evidence that shows you:

1. Complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking;
2. Were under 18 years of age at the time of the victimization that qualified you for T nonimmigrant status; or
3. Would suffer extreme hardship involving unusual and severe harm if removed from the United States.

Evidence of Compliance with Reasonable Requests for Assistance

Evidence that you continue to comply with any reasonable request for assistance in the investigation or prosecution of trafficking in persons includes, but is not limited to:

1. Your own affidavit describing how you continue to comply with any reasonable requests;

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2. A statement from a Federal, state, or local law enforcement official describing how you complied with any reasonable requests;
 3. A re-signed and dated Form I-914, Supplement B;
 4. Trial transcripts;
 5. Court documents;
 6. Police reports; and
 7. News articles.

If you assisted law enforcement when you received your T-1 nonimmigrant status and are no longer assisting law enforcement, you should describe in a written statement why you are no longer assisting. Reasons may include, but are not limited to:

1. The investigation or prosecution is complete;
2. Your T-1 nonimmigrant status is based on your willingness to assist but you were not needed, and you continue to be willing to assist but your assistance is still not needed;
3. You were not asked to assist after being granted T-1 nonimmigrant status; or
4. A request for assistance was not reasonable (See 8 CFR Section 214.11(a) for more information).

USCIS may consult the Attorney General of the United States if appropriate.

NOTE: If you were not required to comply with any reasonable requests for assistance in the investigation or prosecution when you received your T-1 nonimmigrant status (because you were under 18 years of age or suffered trauma at the time of victimization that exempted you from the compliance requirement), you should include an affidavit stating that you were not subject to the compliance requirement.

Evidence of Extreme Hardship Involving Unusual and Severe Harm

Alternatively, you may also submit evidence that you will suffer extreme hardship involving unusual and severe harm if you are removed from the United States. Proving extreme hardship involving unusual and severe harm requires you to meet a higher standard of proof than other extreme hardship standards in immigration law. The extreme hardship cannot be based on current or future economic harm, or the lack of or disruption to social or economic opportunities. USCIS may consider both traditional extreme hardship factors and the factors associated with having been a victim of a severe form of trafficking in persons, as well as relevant country condition reports or any other public or private sources of information. However, USCIS will only consider factors that show hardship to you, not to other people or your family members. See 8 CFR 214.11(i) for a list of factors.

You should include evidence to document all factors that are relevant to you. However, if the basis of your current extreme hardship claim is a continuation of the extreme hardship claimed in your application for T-1 nonimmigrant status, you do not need to re-document the entire claim. Instead, submit evidence to establish that your previously established extreme hardship is ongoing.

NOTE: USCIS is not bound by its previous extreme hardship determination.

Discretion

Adjustment of status based on T nonimmigrant status is not an automatic benefit, so you bear the burden of showing that USCIS should use its discretion to approve your adjustment of status application. When making a discretionary decision on your application, USCIS may take into account all factors, including those acts that would otherwise make you inadmissible.

Generally, favorable factors such as family ties, hardship, and length of residence in the United States, may be sufficient for USCIS to use its discretion to approve your application. However, when adverse factors are present in your case, you may offset these by submitting supporting documentation of favorable factors you wish USCIS to consider. See 8 CFR 245.23(e)(3).

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

You may apply to adjust status under INA section 245(m) if you are a victim of certain specified crimes who was admitted to the United States in U nonimmigrant status, maintained continuous physical presence for the required period of time, and have complied with reasonable requests to assist law enforcement authorities in the investigation or prosecution of the criminal activity. Special confidentiality protections (described at 8 U.S.C. section 1367) apply to you as a crime victim. 8 U.S.C. section 1367 provides two forms of critical protection for crime victims. The first form of protection is a prohibition on adverse determinations against the victim based on information provided solely by their abuser and other prohibited sources. The second form of protection is a prohibition on disclosure of any information about the victim to third parties, except in certain very limited circumstances.

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

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

Evidence of Financial Support

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

Additional Evidence Requirements

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

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

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

Evidence of Continuous Physical Presence

You do not need to submit documentation showing that you were present in the United States on every single day of the three-year U nonimmigrant status period, but you should not have significant chronological gaps in your documentation.

To show continuous physical presence, you must submit **Item Numbers 1 - 4**, below:

1. Copies of every page of your passports or equivalent travel documents (or valid explanation of why the applicant does not have such a document);
2. Documentation of any departure from, and return to, the United States while in U nonimmigrant status, including:
 - A. Date of departure;
 - B. Place of departure;
 - C. Length of departure;
 - D. Manner of departure (plane, boat, etc.);
 - E. Date of return; and

F. Place of return;

3. Evidence establishing continuous physical presence, including but not limited to:

- A. Documentation issued by any governmental or nongovernmental authority as long as the documentation contains your name, was dated at the time it was issued, and contains the normal signature, seal, or other authenticating instrument of the authorized representative of the issuing authority;
- B. Educational documents;
- C. Employment records;
- D. Certification that you filed Federal or state income tax returns showing that you attended school or worked in the United States throughout the entire continuous physical presence period;
- E. Documents showing installment payments, such as a series of monthly rent receipts or utility bills; or
- F. A list of the type and date of documents already contained in your DHS file that establishes physical presence, such as, but not limited to, a written copy of a sworn statement given to a DHS officer, a document from the law enforcement agency attesting to the fact that you have continued to comply with requests for assistance, the transcript of a formal hearing; and Form I-213, Record of Deportable-Inadmissible Alien; and

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

If you do not have documentation to establish continuous physical presence, you must explain why in an affidavit and provide additional affidavits from others with first-hand knowledge who can attest to your continuous physical presence with specific facts. Your affidavit alone is not sufficient to show continuous physical presence.

Generally, you have failed to maintain continuous physical presence if you departed from the United States for any trip that lasted longer than 90 days or for multiple trips that together exceeded 180 days. To show that you maintained continuous physical presence despite taking these trips, you must submit a certification from the agency that signed Form I-918, Supplement B, in support of your U nonimmigrant status stating that:

- 1. Your absence was necessary in order to assist in the investigation or prosecution of the qualifying criminal activity; or
- 2. Your absence was otherwise justified.

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

You are required to provide ongoing assistance, as needed, to law enforcement agencies involved in the investigation or prosecution of the qualifying criminal activity. 8 CFR 245.24(a)(5) defines “refusal to provide assistance in a criminal investigation or prosecution” as a refusal by the U nonimmigrant to provide assistance to law enforcement authorities after being granted U nonimmigrant status.

To show you have met this requirement, you must submit evidence that, from the time you filed for U nonimmigrant status until you file Form I-485, you have complied with (or did not unreasonably refuse to comply with) reasonable requests for assistance in the investigation or prosecution of the qualifying criminal activity. You are required to provide ongoing assistance until USCIS adjudicates your Form I-485.

The evidence may include:

- 1. A newly executed Form I-918, Supplement B, U Nonimmigrant Status Certification;
- 2. A photocopy of the original Form I-918, Supplement B, with a new date and signature from the certifying agency;
- 3. Documentation on official letterhead from the certifying agency stating that you have not unreasonably refused to cooperate in the investigation or prosecution of the qualifying criminal activity;
- 4. An affidavit describing any efforts you made to obtain a newly executed Form I-918, Supplement B, or other evidence describing whether you received any requests to provide assistance in the criminal investigation or prosecution of the qualifying criminal activity, and your response to these requests; or

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

If you submit an affidavit, it must include:

1. A description of all instances when you were requested to provide assistance in the criminal investigation or prosecution of persons in connection with the qualifying criminal activity after you were granted U nonimmigrant status and how you responded to such requests;
2. Any identifying information you have about the law enforcement personnel involved in the case;
3. Any information you have about the status of the criminal investigation or prosecution, including any charges filed and the outcome of any criminal proceedings, or whether the investigation or prosecution was dropped and the reasons why; and
4. If you have refused a request for assistance in the investigation or prosecution, you must provide a detailed explanation of why you refused to comply with requests for assistance and why you believed that the requests for assistance were unreasonable.

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

Discretion

Adjustment of status based on U nonimmigrant status is not an automatic benefit, so you bear the burden of showing that USCIS should use its discretion to approve your adjustment of status application. When making a discretionary decision on your application, USCIS may take into account all factors, including those acts that would otherwise make you inadmissible.

Generally, favorable factors such as family ties, hardship, and length of residence in the United States, may be sufficient for USCIS to use its discretion to approve your application. However, when adverse factors are present in your case, you may offset these by submitting supporting documentation of favorable factors you wish USCIS to consider. See 8 CFR 245.24(d)(11).

Additional Instructions for Asylees and Refugees

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

Derivative Applicants

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

Evidence of Financial Support

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

Additional Evidence Requirements

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

Refugee Status

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

Derivative Applicants

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

Evidence of Financial Support

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

Additional Evidence Requirements

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

Additional Instructions for Applicants Filing Under Special Adjustment Programs

Cuban Adjustment Act (CAA)

You may apply for adjustment of status if you are a native or citizen of Cuba who was inspected and admitted or paroled into the United States after January 1, 1959, and you have been physically present in the United States for at least one year or if you are a spouse or unmarried child of a Cuban described above (regardless of your nationality or place of birth) who was inspected and admitted or paroled after January 1, 1959, and you have been physically present in the United States for at least one year.

Derivative Applicants

As a spouse or child of a qualifying CAA applicant, you may file to adjust status as a derivative applicant under the CAA regardless of your nationality or place of birth. Furthermore, you may apply under the CAA regardless of how long your relationship with the qualifying CAA applicant has existed. Whether your relationship began before or after your Cuban spouse or parent became a lawful permanent resident does not matter.

Evidence of Financial Support

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

Additional Evidence Requirements

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

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

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

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

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

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

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

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

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

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

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

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

CAA adjustment is available only to applicants who have been inspected and admitted or inspected and paroled into the United States. If you are present in the United States without inspection, you are not eligible for CAA adjustment unless you first present yourself to USCIS and USCIS paroles you under INA section 212(d)(5)(A), pending a final determination of your admissibility.

If you are a Cuban native or citizen who has already been physically present in the United States for at least one year at the time DHS paroles you, then you may apply for adjustment of status immediately after being paroled. The law does not require the one-year period of physical presence to occur after your parole.

CAA for Abused Spouses and Children

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

You may apply under the CAA for abused spouses and children regardless of how long your relationship existed. It also does not matter whether your relationship began before or after your Cuban spouse or parent became a lawful permanent resident.

Derivative applicants are not allowed in this category.

Evidence of Financial Support

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

Additional Evidence Requirements

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

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

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

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

Abused spouses and children of CAA-eligible applicants must have been inspected and admitted or inspected and paroled into the United States. If you are present in the United States without inspection, you are not eligible for CAA adjustment unless you first present yourself to DHS and DHS paroles you under INA section 212(d)(5)(A), pending a final determination of your admissibility.

Evidence of Battery or Extreme Cruelty

Evidence of battery should show that your spouse or parent committed an intentional, non-consensual, harmful, or offensive physical act of violence towards you or your child. Some examples include, but are not limited to, rape, molestation, forced prostitution, punching, biting, kidnapping, kicking, choking, and sexual abuse.

Evidence of extreme cruelty should show that your spouse or parent committed non-physical acts of violence or threats of violence demonstrating a pattern or intent to control you or gain your compliance. Some examples include, but are not limited to, controlling what you do and who you see and talk to; denying access to food, family, or medical treatment; threats of physical harm to you or your family; threats to commit suicide; or threats of deportation.

You must submit documentation demonstrating your CAA-eligible spouse or parent subjected you to battery or extreme cruelty during the qualifying relationship. Evidence may include:

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

USCIS will consider any credible evidence, as defined in INA 204(a)(1)(J), that is relevant to the application. USCIS has the sole discretion to determine what evidence is credible and what weight to give that evidence.

Evidence of Death of the Cuban Spouse (if applicable)

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

Evidence of Termination of the Marriage (if applicable)

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

1. You lived with your abusive Cuban spouse; and
2. The battery or extreme cruelty by your Cuban spouse and the termination of your marriage are connected.

Dependent Status under Haitian Refugee Immigrant Fairness Act (HRIFA)

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

Evidence of Financial Support

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

Additional Evidence Requirements

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

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

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

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

Evidence of Nationality

If you acquired Haitian nationality other than through birth in Haiti, provide a copy of the certificate of naturalization or certificate of citizenship issued by the Haitian government.

Evidence of Continuous Physical Presence

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

HRIFA Eligibility for Abused Spouses and Children

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

Derivative applicants are not allowed in this category.

Evidence of Financial Support

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

Additional Evidence Requirements

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

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

Evidence of Nationality

You must submit evidence of your Haitian nationality. If you acquired Haitian nationality other than through birth in Haiti, provide a copy of the certificate of naturalization or certificate of citizenship issued by the Haitian government.

Evidence of Battery or Extreme Cruelty

Evidence of battery should show that your spouse or parent committed an intentional, non-consensual, harmful, or offensive physical act of violence towards you or your child. Some examples include, but are not limited to, rape, molestation, forced prostitution, punching, biting, kidnapping, kicking, choking, and sexual abuse.

Evidence of extreme cruelty should show that your spouse or parent committed non-physical acts of violence or threats of violence demonstrating a pattern or intent to control you or gain your compliance. Some examples include, but are not limited to, controlling what you do and who you see and talk to; denying access to food, family, or medical treatment; threats of physical harm to you or your family; threats to commit suicide; or threats of deportation.

You must submit documentation demonstrating your HRIFA-eligible spouse or parent subjected you to battery or extreme cruelty during the qualifying relationship. Evidence may include:

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

Former Soviet Union and Indochinese Parolee (Lautenberg Parolees)

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

Derivative applicants are not allowed in this category.

Evidence of Financial Support

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

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

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

Additional Evidence Requirements

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

1. You are or were a national of the former Soviet Union (including nationals of any of the currently independent countries that formerly were members of the Union of Soviet Socialist Republics, as well as Estonia, Latvia, and Lithuania), Vietnam, Laos, or Cambodia, if not contained in your birth certificate; and
2. You were denied refugee status.

Denied Refugee Status

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

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

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

Derivative Applicants

You may apply as a derivative if you are the immediate family member of a Section 13 applicant. The DOS definition of immediate family member is broader for A and G nonimmigrants than other nonimmigrant classifications. Immediate family members are described in 22 CFR 41.21(a)(3) as the spouse and unmarried sons and daughters (whether by blood or adoption) who are not members of some other household, and who will reside regularly in the household of the principal. Furthermore, immediate family members also include individuals who:

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

Additional Evidence Requirements

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

1. Evidence that you were admitted into the United States in A-1, A-2, G-1, or G-2 nonimmigrant status;
2. Evidence that you performed diplomatic or semi-diplomatic duties (custodial, clerical, or menial duties are not sufficient);
3. Evidence of compelling reasons why you or a member of your family is unable to return to the country represented by the government which accredited you;
4. Evidence establishing that granting your adjustment of status would be in the national interest of the United States;
5. Form I-508, Waiver of Rights, Privileges, Exemptions and Immunities under INA section 247(b) (and Form I-508F, if you are a French national); and
6. Form I-566, Interagency Record of Request.

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

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

Failing to Maintain Status

If you were admitted to the United States as an A or G nonimmigrant, you will maintain an A or G nonimmigrant status as long as the U.S. Secretary of State recognizes you as being entitled to such status. Therefore, you maintain your status until DOS terminates your diplomatic status.

DOS is responsible for terminating an individual's diplomatic status and for determining the date of an individual's termination of status. DOS requires foreign missions to submit Form DS-2008 (Notice of Termination of Diplomatic, Consular, or Foreign Government Employment) to DOS, without delay, when employees of foreign missions terminate their employment status. For further information regarding termination of diplomatic status, please contact DOS.

DOS Consultation

After your adjustment of status interview with USCIS, USCIS will consult with DOS. DOS will make a recommendation on the merits of your application. Once USCIS receives the recommendation, we will make a decision on your application.

Visa Availability

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

Indochinese Parole Adjustment Act of 2000

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

Derivative applicants are not allowed in this category.

Evidence of Financial Support

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

Additional Evidence Requirements

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

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

Additional Categories

Diversity Visa Program

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

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

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

You and your derivatives may only receive a DV through the end of the specific fiscal year for which you were selected. USCIS cannot approve any DV adjustment application after September 30 of the relevant fiscal year. Beginning October 1, USCIS must deny any DV adjustment application that remains pending from the prior fiscal year.

USCIS cannot guarantee that it will be able to adjudicate your application before the end of a fiscal year. Therefore, you are encouraged to file as soon as you are eligible.

Evidence of Financial Support

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

Additional Evidence Requirements

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

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

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

Evidence of Selection in DV Lottery

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

Evidence of Relationship

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

If the DV selectee becomes a spouse or parent (whether of a natural, adopted, or stepchild) after submitting the qualifying online DV lottery entry, the spouse and children are eligible for derivative status for immigration purposes. However, the qualifying marriage, birth, or adoption must occur before the DV selectee becomes a lawful permanent resident. If the qualifying marriage, birth, or adoption occurs after the DV selectee becomes a lawful permanent resident, then the DV selectee may petition for eligible family members in an appropriate family-based category.

Evidence of Education or Work Experience

Principal applicants must provide one of the following:

1. A high school diploma or its equivalent (Successful completion of a 12-year course of elementary and secondary education in the United States or successful completion of a formal course of elementary and secondary education in another country that is comparable to a high school education in the United States. Only formal courses of study meet this requirement. Correspondence programs or equivalency certificates, such as the General Equivalency Diploma (GED), are not acceptable); or
2. Two years of work experience within the past five years in an occupation requiring at least two years of training or experience.

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

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

Derivative applicants are not allowed in this category.

Evidence of Financial Support

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

Additional Evidence Requirements

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

1. Evidence you entered the United States before January 1, 1972; and
2. Evidence establishing continuous residence since entry.

Evidence of Entry Before January 1, 1972

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

Evidence of Continuous Residence

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

You may submit as many documents as necessary to establish continuous residence during the period of time since your claimed date of entry. Examples of the types of evidence you may submit include:

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

18. Union membership records; and

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

Although you may submit affidavits, you should provide some type of additional evidence to support the application.

Individual Born under Diplomatic Status in the United States

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

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

Derivative applicants are not allowed in this category.

Evidence of Financial Support

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

Additional Evidence Requirements

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

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

Evidence of Diplomatic Status

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

If one of your parents was listed on the Blue List at the time you were born in the United States, you may file Form I-485 in this category. Both parents do not have to be listed on the Blue List. The Blue List is available at www.state.gov/s/cpr/rls/dpl/. However, if one of your parents was a U.S. citizen at the time of your birth, then you are already a U.S. citizen from birth and do not need to file this application.

Evidence of Continuous Residence

You must establish that you have not abandoned your residence in the United States. One of the tests for whether you retained lawful permanent resident status is your continuous residence in the United States.

You may establish continuous residence in the United States since entry even if you have made numerous brief departures from the United States. You may submit as many documents as necessary to establish continuous residence in the United States. Examples of the types of evidence you may submit include:

1. Copy of passport pages with nonimmigrant visa, admission, or parole stamps;
2. Form I-94 Arrival-Departure Record;

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3. Income tax records;
 4. Mortgage deeds or leases;
 5. Insurance premiums and policies;
 6. Birth, marriage, and death certificates of immediate family members;
 7. Medical records;
 8. Bank records;
 9. School records;
 10. All types of receipts that contain identifying information about you;
 11. Census records;
 12. Social Security records;
 13. Newspaper articles concerning you;
 14. Employment records;
 15. Military records;
 16. Draft records;
 17. Car registrations;
 18. Union membership records; and
 19. Affidavits from credible witnesses having a personal knowledge of your residence in the United States, submitted with the witness' contact information.

Although you may submit affidavits, you should provide some type of additional evidence to support the application.