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Immigration Law: Basics for Military Families

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OVERVIEW OF IMPORTANT TRAVEL DOCUMENTS

I. Introduction

Immigration matters are paper intensive. This document will give a brief overview of some of the most common (and most important) immigration documents that a nonimmigrant will encounter when seeking to enter the U.S.

II. The Form I-94 Arrival/Departure Record (the "I-94 Card")

This document is issued by Customs and Border Protection ("CBP") to nonimmigrant visitors upon entry into the U.S. It evidences an individual's immigration classification while in the U.S. The I-94 governs the length of authorized stay in the U.S. It is recommended that an individual make several photocopies in case the original is mutilated, lost or stolen. If the I-94 is lost or stolen, an individual may apply for a replacement by using Form I-102. Instructions and a copy of the form are attached.

The I-94 card documents a lawful admission and, when surrendered at departure, evidences compliance with the limits of authorized stay. It is used by Citizenship and Immigration Services ("CIS") to track dates of arrival and dates of departure.

This is arguably the most important immigration document an individual will be issued.

III. A Visa Stamp in One's Passport

A visa stamp is issued by the U.S. Department of State and should be considered an invitation to travel to the U.S. and *apply* for entrance; a visa does not guarantee entry into the U.S. A visa is applied for and obtained (assuming the applicant meets all conditions and passes the background check) at a U.S. Embassy or Consulate outside the United States.

A visa can be either a "nonimmigrant" visa (issued to individuals coming to U.S. to visit or work for a temporary period of time) or an "immigrant" visa (issued to individuals who intend to live and work permanently in the U.S.).

IV. A Petition Approval Notice (Form I-797)

This is usually a 1-page document issued by CIS to signify approval of a petition filed to request an immigration benefit; for most nonimmigrant work categories (H-1B, L-1, TN), it will contain validity dates. An approval notice is required, in most cases, in order to obtain a visa. An I-797 is also issued to family members who have extended or changed their dependent status. In some instances (such as for Canadian citizens holding L or TN status) an approval notice will be used, along with an I-94 Card, as a travel document.

V. A Passport

n. a governmental document issued to a citizen, authenticating the bearer's identity and right to travel to other countries.

A passport is now required (under Phase I of the Western Hemisphere Travel Initiative or "WHTI") of U.S. citizens, along with citizens of Canada, Mexico and Bermuda, in order to enter the United States when arriving by air from any port within the Western Hemisphere. A passport is also required of individuals entering the U.S. from other countries.

A passport will be required (under Phase II of WHTI) as of June 1, 2009 of all U.S. citizens traveling by land or sea between the U.S. and (1) Canada, (2) Mexico, (3) Central and South America, (4) the Caribbean and (5) Bermuda.

A passport or other acceptable proof of identity and citizenship (government-issued photo I.D., birth certificate, certificate of naturalization, etc.) is now (as of 1/31/08) required for all travelers entering the U.S. by land or sea, whereas previously CBP officers accepted oral declarations of citizenship from U.S. and Canadian citizens seeking to enter the U.S. through a land or sea port of entry.

Passport Card: Production is expected to begin in June 2008 on the new, limited-use, wallet-sized "PASS Card" (issued by the U.S. Department of State). The card is intended to expedite processing for U.S. citizens at U.S. land and sea ports of entry when arriving from Canada, Mexico, the Caribbean and Bermuda. **This card may not be used to travel by air**.

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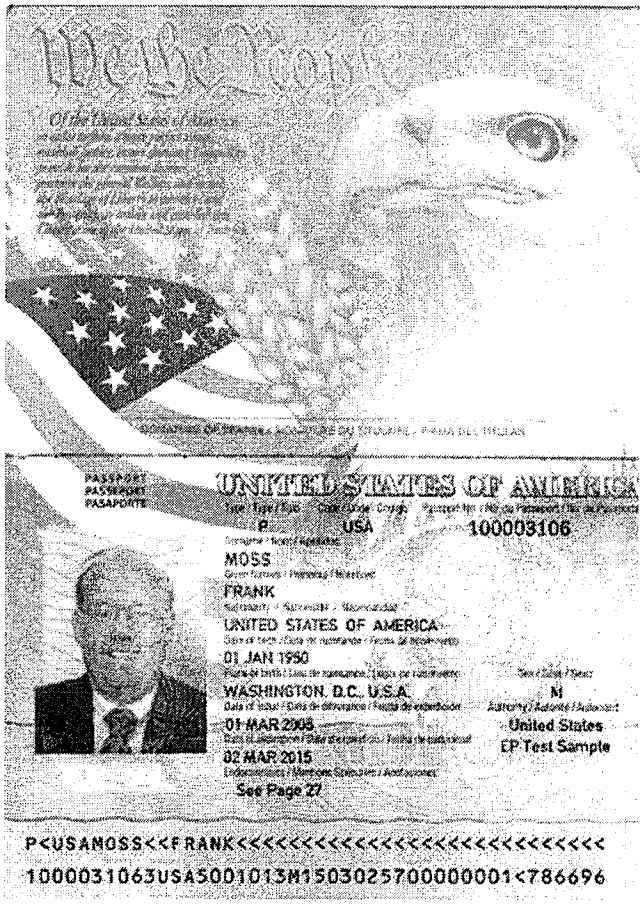
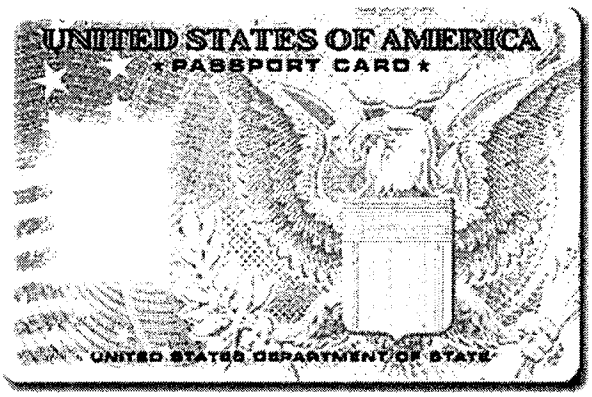
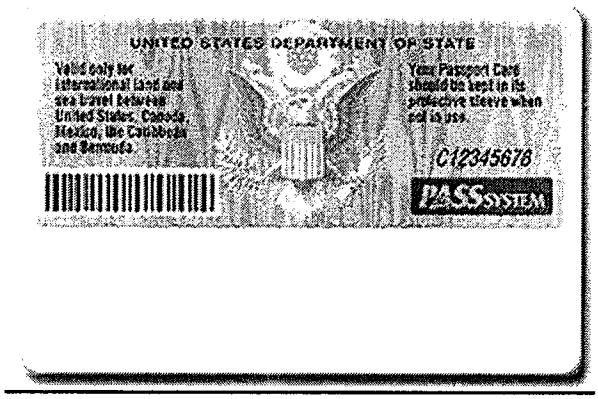
Sample Passport



Sample Passport Card





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Sample I-94 Card

Departure Number

74283203b 01

SAMPLE

U.S. IMMIGRATION
2?0 WAS [redacted]

Immigration and
Naturalization Service

I-94
Departure Record

SEP 13 1991

ADMITTED L-1
(CLASS)
UNTIL July 10, 1993

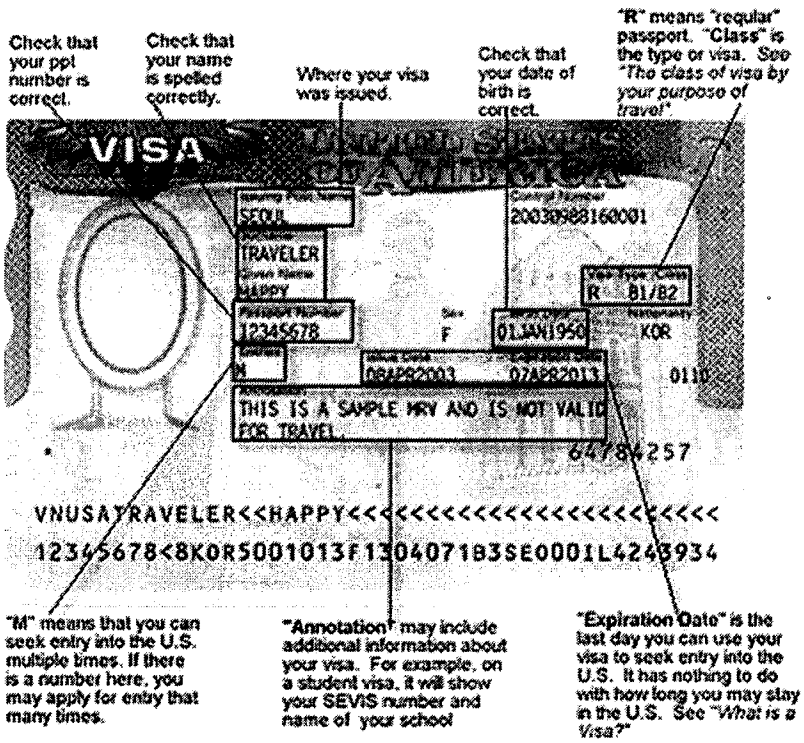
14 Family Name
DOE

15 First (Given) Name
JOHN

16 Birth Date (Day Mo Yr)
16.04.62

17 Country of Citizenship
U.K.

Sample Visa



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Sample Petition Approval Notice

U.S. Department of Justice
Immigration and Naturalization Service

Notice of Action

THE UNITED STATES OF AMERICA

[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

Sample Document

ONE MARITIME PLAZA
SAN FRANCISCO CA 94111

Notice Type: Approval Notice
Class: H1B1
Valid from 01/13/1999 to 08/01/2001
POB: ALBUQUERQUE, NM

[illegible]

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE
CALIFORNIA SERVICE CENTER
P. O. BOX 10111
LAGUNA RIQUEL, CA 92607-0111
Customer Service Telephone: (714) 360-2749
Form I797B (Rev. 09/07/93)N

[illegible]

Sample Document

Form I797B (Rev. 09/07/93)N

OMB No. 1615-0079; Expires 07/31/08

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

Instructions for I-102, Application for Replacement/ Initial Nonimmigrant Arrival - Departure Document

Instructions

Please read these instructions carefully to properly complete this form. If you need more space to complete an answer, use a separate sheet(s) of paper. Write your name and Alien Registration Number (A #), if you have one, at the top of each sheet and indicate the number of the item to which the answer refers.

What is the Purpose of This Form?

Use Form I-102 to request a new or replacement of an incorrect, lost, stolen or damaged Nonimmigrant Arrival - Departure Document.

When Should I Use This Form?

As a nonimmigrant visitor to the United States, you should use Form I-102 to apply to the U.S. Citizenship and Immigration Services (USCIS) for a new or replacement:

1. Form I-94, Nonimmigrant Arrival - Departure Record;
2. Form I-94W, Nonimmigrant Visa Waiver Arrival - Departure Record; or
3. Form I-95, Crewman Landing Permit.

How Do I File This Form?

A separate Form I-102 must be filed for each person seeking the immigration benefit. Follow the steps below to complete your application:

Step 1 - Reason for Filing Form I-102

Step 2 - Fill Out the Form I-102

Step 3 - Submit Your Application

General Instructions.

Step 1. Reason for Filing Form I-102.

The following is a brief description of eligibility categories. Check the box in **Part 2** of Form I-102 that matches your reason for filing.

After determining which category best applies, you must submit evidence that proves eligibility. Each category has specific evidence requirements. See **Step 3, Submit Your Form I-102**, for information on what evidence is required.

You should use Form I-102 to:

1. Replace your lost, stolen or mutilated Form I-94, I-94W or I-95;
2. Receive an initial Form I-94 if you were not issued one when you entered as a nonimmigrant, and you are filing this form with an application for extension of stay or change of status;
3. Receive a corrected Form I-94, I-94W or Form I-95 if you were issued one with incorrect information when you entered as a nonimmigrant or refugee; or to
4. Receive an initial Form I-94 if you were not issued one when you were originally admitted into the United States due to your military membership as described below:
   - **A.** A nonimmigrant member of the U.S. armed forces; or
   - **B.** A nonimmigrant member of the North Atlantic Treaty Organization (NATO) armed forces or civilian component; or
   - **C.** A nonimmigrant member of the Partnership for Peace military program under the Status of Forces Agreement (SOFA).

ADVISORY: Do not use this form to request an action on a Form I-94 issued by the U.S. Customs and Border Protection (CBP). If you are seeking a new Form I-94 based on a Form I-94 issued at a port-of-entry or otherwise by CBP, you should contact the nearest CBP office or port-of-entry and inquire about their procedures, or visit the CBP's website at **www.cbp.gov**.

Step 2. Fill Out the Form I-102

1. Type or print legibly in black ink.
2. If extra space is needed to complete any item, attach a continuation sheet, indicate the item number, and date and sign each sheet.
3. Answer all questions fully and accurately. State that an item is not applicable with "N/A." If the answer is none, write "none."

This form is divided into **Parts 1** through **5**. The following information should help you fill out the form.

Part 1. Information about you.

1. **Family Name** (Last name) - Give your legal name. If you have two last names, include both and use a hyphen (-) between the names, if appropriate.
2. **Address** - Give your physical street address. This must include a street number and name or a rural route number. Do not put a post office box (P.O. Box) number here.

3. **A #** - This is your immigration file number. If you do not have an Alien Registration Number or do not know it, leave this blank.

4. **U.S. Social Security #** - If you do not have a U.S. Social Security number, leave this blank.

   A. **Date of Last Admission** - Give the day of your last actual entry into the United States.

   B. **Current Nonimmigrant Status** - Give your current status. If you were granted a change of status, provide the receipt notice noting the change.

   C. **Expires on** - Give the day your authorized stay in the United States ends.

   D. Numbers on Forms **I-94, I-94W or I-95 Arrival-Departure Document** - Give the number that is at the top of the document you originally received at the time of entry. If you did not receive a Form I-94 at entry, write N/A.

Part 2. Reason for application.

Place a check in the box that corresponds with your reason for filing.

Part 3. Processing information.

Numbers 1 - 3 - Give all information requested.

Part 4. Signature.

1. As the applicant, you must sign and date the application. If you do not sign the form, it will be returned as incomplete.

2. **Daytime Telephone Number** - Give a phone number with the area code where you can be reached during the day.

Part 5. Signature of person preparing form, if other than applicant.

If you, the applicant, did not fill out the Form I-102, the preparer must also sign, date and give his or her address, daytime phone number and fax number.

Step 3. Submit Your Application.

Your application must include the following items.

1. **Your signed and completed Form I-102.** Every application must be properly signed and filed with the correct fee. If you are under 14 years of age, your parent or guardian may sign the application.

2. **General Requirements.**

   A. **Initial Evidence.** You must file your application with the required initial evidence. Attach copies, showing the front and back of the documents you need to support your application. **Do not send original documents unless instructed to do so.**

   B. **Lost or Stolen Form.** If you are applying to replace a lost or stolen Form I-94, I-94W or I-95, submit a copy of the original or submit a copy of the biographic page from your passport and a copy of the page indicating admission as claimed, or other evidence of your admission. If you are unable to provide this evidence, submit a full explanation stating why you cannot give any of the above evidence, along with a copy of evidence of your identity and copies of any evidence in your possession to substantiate your claim. If your card was stolen, submit a copy of the police report relating to the theft.

   C. **Mutilated Form.** If you are applying to replace a mutilated Form I-94, I-94W or I-95, attach the original, damaged form.

   D. **First Form I-94.** If you were not issued a Form I-94 at admission and have not since been issued a Form I-94, but now require a Form I-94 for another application you are filing, submit a copy of any evidence in your possession to substantiate your claimed admission.

   E. **Nonimmigrant Military Member.** If you are filing as a nonimmigrant military member in the U.S. armed forces, NATO or the Partnership for Peace program and you are requesting an initial Form I-94, contact your foreign commander or his or her designee in the United States for filing information.

   F. **Correct Inaccurate Information.** If you want USCIS to correct inaccurate information on your Form I-94, I-94W or I-95, attach the Form I-94, I-94W or I-95 to your application. If you check box **"f"** on **Part 2,** Application Type, attach a statement dated and signed by you, citing specifically what information on your Form I-94, I-94W or I-95 requires correction. You must also attach evidence verifying the validity of the information submitted for correction purposes.

Translations. Any document containing foreign language submitted to the Service shall be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English.

Copies. Unless specifically required that an original document be filed with an application or petition, an ordinary legible photocopy may be submitted. Original documents submitted when not required will remain a part of the record, even if the submission was not required.

Where to File?

NOTE: The following instructions relate only to a Form I-102 issued by USCIS. To request an action on a Form I-94 issued by the U.S. Customs and Border Protection (CBP), refer to the **Advisory** under **Step 1, Reason for Filing Form I-102** on **Page 1** of these instructions.

Correction Request. To request USCIS to correct inaccurate information on your Forms I-94, I-94W or I-95, submit your application to the local USCIS office having jurisdiction over the area where you are temporarily located.

Contact the local USCIS office for specific information on how to file the application.

Replace Form I-95. If you are filing to replace a Form I-95, file this application at the local USCIS office having jurisdiction over where you are temporarily located.

Not Issued I-94/Extension - Status Change. If you were not issued a Form I-94 at admission or are filing this application with an application for extension of stay or change of status, file this application where you are filing the accompanying extension of stay or change of status application.

Nonimmigrant Military Member. If you are a nonimmigrant member of the U.S. armed forces, file this application at the local USCIS office having jurisdiction over the area where you are temporarily located.

NATO and SOFA Military Members. If you are in a NATO or Partnership for Peace military program under SOFA, and are seeking an initial Form I-94, submit this application through your foreign commander or his or her designee to NATO/Headquarters, Supreme Allied Commander Transformation (NATO/HQ SACT) at:

NATO/HQ SACT
7857 Blandy Road, Suite 100
ATTN: Legal Affairs
Norfolk, VA 23551-2490

NATO/HQ SACT will review and forward the application to the USCIS Nebraska Service Center.

In All Other Instances. File your application as follows:

If you are currently in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Jersey, New Hampshire, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virginia, West Virginia or the U.S. Virgin Islands, mail the application to:

USCIS - Vermont Service Center
75 Lower Welden Street
St. Albans, VT 05479-0001

If you are currently in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee or Texas, mail the application to:

USCIS - Texas Service Center
P.O. Box 851182
Mesquite, TX 75185-1182

If you are currently Arizona, California, Guam, Hawaii or Nevada, mail the application to:

USCIS - California Service Center
P.O. Box 10102
Laguna Niguel, CA 92607-0040

If you are currently anywhere else in the United States, mail the application to:

USCIS - Nebraska Service Center
P.O. Box 87102
Lincoln, NE 68501-7102

What is the Filing Fee?

The filing fee for Form I-102 is **$320.00.**

1. The fee must be submitted in the exact amount. It cannot be refunded. **Do not mail cash.**
2. You do **not** need to pay the fee to request USCIS to correct your Forms I-94, I-94W or Form I-95 if the error(s) on your document was made by USCIS, through no fault of you own. If, however, the error(s) was made because of information you provided or failed to provide to USCIS or the U.S. Department of State, you must pay the fee.
3. You do **not** need to pay the fee if you are a nonimmigrant military member in the U.S. armed forces or you are participating in a NATO or Partnership for Peace military program under the SOFA and you are requesting an initial or replacement Form I-94.
4. Use the following guidelines when you prepare your check or money order:
   - **A.** 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
   - **B.** Make the check or money order payable to **U.S. Department of Homeland Security**, unless:
     1. If you live in Guam and are filing your petition there, make it payable to **Treasurer, Guam**.
     2. If you live in the U.S. Virgin Islands and are filing your petition there, make it payable to **Commissioner of Finance of the Virgin Islands**.
     3. If you live outside the United States, Guam, or the U.S. Virgin Islands, contact the nearest U.S. consulate or embassy for instructions on the method of payment.

NOTE: Please 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, it will be converted 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 will be shown on your regular account statement.

You will not receive your original check back. We will destroy your original check, but we will keep a copy of it. If the EFT cannot be processed for technical reasons, you authorize us to process the copy in place of your original check. If the EFT cannot be completed because of insufficient funds, we may try to make the transfer up to two times.

How to Check If the Fees Are Correct.

The form and biometric fees on this form are current as of the edition date appearing in the lower right corner of this page. However, because USCIS fees change periodically, you can verify if the fees are correct by following one of the steps below:

1. Visit our website at **www.uscis.gov**, select "Immigration Forms" and check the appropriate fee;
2. Review the Fee Schedule included in your form package, if you called us to request the form; or
3. Telephone our National Customer Service Center at **1-800-375-5283** and ask for the fee information.

Address Changes.

If you change your address and you have an application or petition pending with USCIS, you may change your address on-line at **www.uscis.gov**, click on "Change your address with USCIS" and follow the prompts or by completing and mailing Form AR-11, Alien's Change of Address Card, to:

U.S. Citizenship and Immigration Services
Change of Address
P.O. Box 7134
London, KY 40742-7134

For commercial overnight or fast freight services only, mail to:

U.S. Citizenship and Immigration Services
Change of Address
1084-I South Laurel Road
London, KY 40744

Processing Information.

Our goal at USCIS is to process all applications fairly. The processing time will vary, depending on the specific circumstances of each case. We may deny an application if you do not give us the requested information or do not go to a scheduled interview. Every application must be properly signed with the correct fee. If you are under 14 years of age, your parent or guardian may sign the application.

Acceptance. Any application that is not signed or is not accompanied by the proper fee, if required, will be rejected with a notice that the application is deficient. You may correct the deficiency and resubmit the application. However, an application is not considered properly filed until it is accepted by USCIS.

Initial Processing. Once the application has been accepted, it will be checked for completeness, including submission of the required initial evidence. If you do not completely fill out the form or file it without the required initial evidence, you will not establish a basis for eligibility and we may deny your application.

Decision. You will be notified in writing of the decision on your application. If the application is approved, a new Form I-94 or Form I-95 will be issued to you.

USCIS Forms and Information.

To order USCIS forms, call our toll-free number at **1-800-870-3676.** You can also get USCIS forms and information on immigration laws, regulations and procedures by telephoning our National Customer Service Center at **1-800-375-5283** or visiting our internet website at **www.uscis.gov.**

As an altenative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our internet-based system, **InfoPass.** To access the system, visit our website. Use the **InfoPass** appointment scheduler and follow the screen prompts to set up your appointment. **InfoPass** generates an electronic appointment notice that appears on the screen.

Penalties.

If you knowingly and willfully falsify or conceal a material fact or submit a false document with this Form I-102, we will deny the Form I-102 and may deny any other immigration benefit.

In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.

Privacy Act Notice.

We ask for the information on this form, and associated evidence, to determine if you have established eligibility for the immigration benefit for which you are filing. Our legal right to ask for this information can be found in the Immigration and Nationality Act, as amended. We may provide this information to other government agencies. Failure to provide this information, and any requested evidence, may delay a final decision or result in denial of your Form I-102.

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 OMB control number. The public reporting burden for this collection of information is estimated at 25 minutes per response, including the time for reviewing instructions, completing and submitting the form. 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, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529. OMB No. 1615-0079. **Do not mail your application to this address.**

OMB No. 1615-0079; Expires 07/30/08

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

I-102, Application for Replacement/Initial Nonimmigrant Arrival - Departure Document

START HERE - Please type or print in black ink.

Part 1. Information about you.

Family Name | Given Name | Middle Name

Address - In care of -

Street Number and Name | Apt./Suite #

In care of -

City | State

Zip/Postal Code | Country | Date of Birth *(mm/dd/yyyy)*

Country of Birth | Country of Citizenship/Nationality

A # *(if any)* | U.S. Social Security # *(if any)*

Date *(mm/dd/yyyy)* and Place of Last Admission | Current Nonimmigrant Status

Status Expires on *(mm/dd/yyyy)* | I-94, I-94W or I-95 Arrival/Departure Document #

Part 2. Reason for application.

Check the box that best describes your reason for requesting a replacement document. *(Check one box.)*

a. ☐ I am applying to replace my lost or stolen Form I-94 (or I-94W).

b. ☐ I am applying to replace my lost or stolen Form I-95.

c. ☐ I am applying to replace Form I-94 (or I-94W) because it is mutilated. I have attached my original I-94 (or I-94W).

d. ☐ I am applying to replace Form I-95 because it is mutilated. I have attached my original I-95.

e. ☐ I was not issued a Form I-94 when I entered as a nonimmigrant, and I am filing this application together with an application for an extension of stay/change of status.

f. ☐ I was issued a Form I-94, I-94W or Form I-95 with incorrect information, and I am requesting USCIS to correct the document. I have attached my original Form I-94, I-94W or Form I-95.

g. ☐ I was not issued a Form I-94 when I entered as a nonimmigrant member of the military and I am filing this application for an initial Form I-94.

For USCIS Use Only

Returned	Receipt
Date	
Date	
Resubmitted	
Date	
Date	
Reloc Sent	
Date	
Date	
Reloc Rec'd	
Date	
Date	
☐ Applicant Interviewed on _____	

New I-94 #

Remarks

Action Block

To Be Completed by *Attorney or Representative*, if any.

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

ATTY State License #

Part 3. Processing information.

1. Are you filing this application with any other petition or application?

☐ No ☐ Yes - Form #

2. Are you now in removal proceedings?

☐ No

☐ Yes (Give detailed information regarding the proceedings. If you need more space to complete the answer, use a separate sheet(s) of paper. Write your name and A #, if any, and "Part 3, Number 2" at the top of each sheet.)

3. If you are unable to provide the original of your Form I-94, I-94W or I-95, give the following information:

Your name exactly as it appears on Form I-94, I-94W or I-95, if known *(print clearly)*

Class of Admission:

Place of Admission:

Part 4. Signature. *Read the information on penalties in the instructions before completing this section. You must file this application while in the United States.*

I certify, under penalty of perjury under the laws of the United States of America, that this application and the evidence submitted with it is all true and correct. I authorize the release of any information from my records that the U.S. Citizenship and Immigration Services needs to determine eligibility for the benefit I am seeking.

Signature

Daytime Telephone Number *(with area code)*

( )

Date *(mm/dd/yyyy)*

Part 5. Signature of person preparing form, if other than above. *(Sign below.)*

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

Signature

Print or Type Your Name

Firm Name

Firm Address *(Street Number and Name or P.O. Box, City, State, Zip Code)*

Daytime Telephone Number *(with area code)*

( )

E-Mail Address *(if any)*

Date *(mm/dd/yyyy)*

SEYFARTH ATTORNEYS SHAW LLP

VISAS FOR VISITORS

There are two ways to enter the U.S. as a visitor: the Visa Waiver Program or with a B-1/B-2 visa. There are many reasons that a person may wish to enter the U.S. as a visitor, including for tourism, to visit a friend or relative, for health purposes, to participate in a convention, to get married (but then to leave the U.S. after the ceremony), or to participate in an amateur musical, sport or similar event where there is no remuneration [9 FAM 41.31 N.13-14].

I. What is the difference between entering as a B-1 visitor and entering as a B-2 visitor?

- B-1 status is for business visitors who intend to consult with business associates, travel for a scientific, educational, professional or business convention or conference on specific dates, settle an estate, or negotiate a contract.

- B-2 status is for visitors entering for pleasure or medical treatment (i.e. the purpose of the visit is recreational in nature, including tourism, amusement, visits with friends or relatives, rest, medical treatment, and activities of a fraternal, social, or service nature).

- If the visitor plans to enter for business and pleasure, he/she may be admitted as a B-1/B-2.

II. What are the requirements for entry as a visitor?

- Each visitor should have a return ticket or other evidence to show that he/she intends to leave the U.S. after the brief visit.

- Each visitor should be able to show his/her ties to the home country and his/her intent to return to the home country after the U.S. visit. The visitor must have a residence in a foreign country and have no intention of abandoning that residence. Documentation must be provided to show employment, family and/or social ties to the foreign country of residence; this documentation may include original, recent bank statements, documentation of property owned or leased by the individual, a recently dated letter from the visitor's employer stating that his/her employment will continue after returning from the U.S., and/or other similar documents.

- Each visitor should be able to show that he/she will be able support him/herself while in the U.S.

III. What should a visitor not do in the U.S.?

- The person may not work in the U.S. and should not intend to work when applying for the visa or entering the U.S.

- The person must not overstay the expiration of his/her I-94 card. Overstay can result in ineligibility for future immigration benefits and/or can result in up to a 10 year bar from the U.S.

IV. What are the biggest obstacles to entering the U.S. as a visitor?

The biggest obstacle is showing that the person intends to return to the home country after the U.S. visit. It is not recommended, for example, to have a girlfriend/boyfriend/fiancée enter the U.S. as a visitor to get married with the intention of then staying in the U.S. to file a green card application. It is most important that the visitor be truthful when questioned by any U.S. immigration officer (although there is no reason to give more information than what is explicitly asked). It is quite common for a visitor to be asked if they have a girlfriend/boyfriend/fiancée in the U.S. that he or she is coming to visit. Once an immigration officer suspects that the visitor is coming to the U.S. to marry or stay with that person, it may be quite difficult for the visitor to prove that he or she intends to return to the home country.

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VISA WAIVER PROGRAM

The Visa Waiver Program (VWP) enables nationals of certain countries to travel to the United States for tourism or business for stays of 90 days or less without obtaining a visa stamp at a U.S. Consular post. Each visitor (including infants) must have a machine-readable passport that is valid at least 6 months after the intended departure from the U.S.

Citizens of the following countries can enter the U.S. under the VWP:

Andorra	Finland	Japan	Norway	Sweden
Australia	France	Liechtenstein	Portugal	Switzerland
Austria	Germany	Luxembourg	San Marino	United Kingdom
Belgium	Iceland	Monaco	Singapore	
Brunei	Ireland	the Netherlands	Slovenia	
Denmark	Italy	New Zealand	Spain	

I. When should a person NOT try to enter under the VWP?

- If the person is a citizen of a country not listed above
- If the person has been previously denied a visa stamp at a U.S. Consular post or denied entry to the U.S.
- If the person previously entered the U.S. under the VWP and violated the terms of the program
- If the person has a criminal record

II. Additional Information

- A small fee may be charged for visitors entering by land.
- Documentation evidencing the visitor's ties to the home country should be supplied upon entry to the U.S.
- It is NOT possible to enter under the VWP and then file an application to change status to another nonimmigrant status or file a green card application (unless based on marriage to a U.S. citizen).
- It is NOT possible to extend the stay of a person admitted under the VWP.

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B-1/B-2 VISITOR VISAS

If a person is ineligible to enter the U.S. under the VWP, the person must apply for a B-1/B-2 visitor visa (entry document) at a U.S. Consular post prior to traveling to the U.S. It may take several weeks or months to obtain a visa, so advance planning is essential. For instructions on how to apply for a B-1/B-2 visa, visit http://www.usembassy.gov/ and select the Consular post where the person plans to apply. Navigate to the Nonimmigrant Visa section of the website; most Consulates/Embassies list instructions for obtaining visas, including booking visa appointments, paying the required fees, completing the appropriate forms, etc.

I. In general, what is required when applying for a B-1/B-2 visa?

- Form DS-156: Nonimmigrant Visa Application – most Consular posts require that this form be completed online by visiting https://evisaforms.state.gov/ds156.asp. It is available in several languages, but must be completed in English

- Form DS-157: Supplemental Nonimmigrant Visa Application – most applicants will be required to complete this form; it should be completed by hand

- $131.00 (USD) Visa Application Fee – each Consular post has unique instructions for the payment of this fee

- Passport-style color photograph – see http://travel.state.gov/passport/guide/composition/composition_874.html for photo specifications

- Passport that is valid at least 6 months after the intended departure from the U.S.

- Visa Reciprocity Fee – this is a fee required for citizens of certain countries, and the amount varies according to nationality; visit http://travel.state.gov/visa/frvi/reciprocity/reciprocity_3272.html and choose the appropriate country of citizenship to determine whether a fee will be charged. If applicable, this fee is paid after the visa is approved and is usually payable by cash or credit card

- Although not uniformly required, it may be helpful to have proof of the status of the person that will be visited in the U.S. (for example, a copy of the passport of a U.S. citizen or a copy of the green card of a green card holder)

II. Additional Information

- Documentation evidencing the visitor's ties to the home country should be supplied at the visa interview and upon entry to the U.S. Upon entry to the U.S., the B-1/B-2 visa holder will present his/her passport containing the visa and may be admitted for up to 6 months.

- It is possible (but not recommended) to enter on a B-1/B-2 visa and then file an application to change status to another nonimmigrant status or file a green card application (only if based on marriage to a U.S. citizen).

- It is possible (but not recommended) to extend the stay of a person admitted on a B-1/B-2 visa if there is sufficient cause (the extension must be filed prior to the expiration of the I-94 card).

III. Extending a B-1/B-2

To extend the stay of person in B-1/B-2 status, Form I-539 (Application to Change/Extend Nonimmigrant Status) must be filed with a USCIS Service Center before the expiration of the person's I-94 card. Generally, the maximum extension that will be granted is 6 months. In the event that the application is denied, the person should immediately depart the U.S.

- There is a filing fee of $300 per application (an application could include more than one member of a family – only one fee is required per application)

- If the applicant is currently residing in Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin or Wyoming, the application should be mailed to:

  USCIS California Service Center
  P.O. Box 10539
  Laguna Niguel, CA 92607-1053

- If the applicant is currently residing in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, U.S. Virgin Islands, West Virginia or the District of Columbia, the application should be mailed to:

  USCIS Vermont Service Center
  Attn: I-539
  75 Lower Welden Street
  St. Albans, VT 05479

- The following documentation should be included for each person:

  - Original I-94 card (the applicant should be sure to retain a copy of the I-94 in his/her passport)

- Statement from the applicant stating reasons for the requested extension
- Copy of airline ticket or other evidence showing plans to depart the U.S.

U.S. Department of State

NONIMMIGRANT VISA APPLICATION

Approved OMB 1405-0018
Expires 08/31/2004
Estimated Burden 1 hour
See Page 2

PLEASE TYPE OR PRINT YOUR ANSWERS IN THE SPACE PROVIDED BELOW EACH ITEM

1. SURNAMES *(As in Passport)*

2. FIRST AND MIDDLE NAMES *(As in Passport)*

3. OTHER SURNAMES USED *(Maiden, Religious, Professional, Aliases)*

4. OTHER FIRST AND MIDDLE NAMES USED

5. DATE OF BIRTH *(mm-dd-yyyy)*

6. PASSPORT NUMBER

7. PLACE OF BIRTH

Country	City	State/Province

8. NATIONALITY

9. SEX ☐ Male ☐ Female

10. NATIONAL IDENTIFICATION NUMBER

11. MARITAL STATUS
☐ Married ☐ Single (Never Married) ☐ Widowed ☐ Divorced ☐ Separated

12. HOME ADDRESS *(Include apartment number, street, city, state or province, postal zone, and country)*

13. HOME TELEPHONE NUMBER

14. E-MAIL ADDRESS

15. PRESENT OCCUPATION *(If retired, write "retired")*

16. NAME AND STREET ADDRESS OF PRESENT EMPLOYER OR SCHOOL
(Postal box number unacceptable)

17. BUSINESS TELEPHONE NUMBER

18. BUSINESS FAX NUMBER

19. WHAT IS THE PURPOSE OF YOUR TRIP?

20. AT WHAT ADDRESS WILL YOU STAY IN THE U.S.?

21. WHEN DO YOU INTEND TO ARRIVE IN THE U.S.?

22. HOW LONG DO YOU INTEND TO STAY IN THE U.S.?

23. WHO WILL PAY FOR YOUR TRIP?

24. NAMES AND RELATIONSHIPS OF PERSONS TRAVELING WITH YOU
(NOTE: A separate application for a visa must be made for each traveler, regardless of age.)

DO NOT WRITE IN THIS SPACE

B-1/B-2 MAX B-1 MAX B-2 MAX

OTHER _____ MAX
Visa Classification

MULT OR _____
Number of Applications

MONTHS _____
Validity

ISSUED/REFUSED

ON _____ BY _____

UNDER SEC. 214(b) 221(g)

OTHER _____ INA

REFUSAL REVIEWED BY _____

25. DO YOU INTEND TO WORK IN THE U.S.?
☐ YES ☐ NO
If YES, give name and complete address of U.S. employer.

26. DO YOU INTEND TO STUDY IN THE U.S.?
☐ YES ☐ NO
If YES, give name and complete address of school.

27. HAVE YOU EVER BEEN IN THE U.S.?
☐ YES ☐ NO

WHEN? _____

FOR HOW LONG? _____

DO NOT WRITE IN THIS SPACE

37 mm x 37 mm

PHOTO

staple or glue photo here

28. HAVE YOU EVER BEEN ISSUED A U.S. VISA?

☐ YES ☐ NO

WHEN? _____

WHERE? _____

WHAT TYPE OF VISA? _____

29. HAVE YOU EVER BEEN REFUSED A U.S. VISA?

☐ YES ☐ NO

WHEN? _____

WHERE? _____

WHAT TYPE OF VISA? _____

30. HAS YOUR U.S. VISA EVER BEEN CANCELLED OR REVOKED?

☐ YES ☐ NO

WHEN? _____

WHERE? _____

31. HAS ANYONE EVER FILED AN IMMIGRANT VISA PETITION ON YOUR BEHALF?

☐ YES ☐ NO

32. ARE ANY OF THE FOLLOWING PERSONS IN THE U.S., OR DO THEY HAVE U.S. LEGAL PERMANENT RESIDENCE OR U.S. CITIZENSHIP? Mark YES or NO and indicate that person's status in the U.S. *(i.e., U.S. legal permanent resident, U.S. citizen, visiting, studying, working, etc.).*

☐ YES ☐ NO Husband/ Wife _____ ☐ YES ☐ NO Fiance/ Fiancee _____ ☐ YES ☐ NO

☐ YES ☐ NO Father/ Mother _____ ☐ YES ☐ NO Son/ Daughter _____ Brother/ Sister _____

33. IMPORTANT: ALL APPLICANTS MUST READ AND CHECK THE APPROPRIATE BOX FOR EACH ITEM.

A visa may not be issued to persons who are within specific categories defined by law as inadmissible to the United States *(except when a waiver is obtained in advance).* Is any of the following applicable to you?

- Have you ever been arrested or convicted for any offense or crime, even though subject of a pardon, amnesty or other similar legal action? Have you ever unlawfully distributed or sold a controlled substance (drug), or been a prostitute or procurer for prostitutes? ☐ YES ☐ NO
- Have you ever been refused admission to the U.S., or been the subject of a deportation hearing, or sought to obtain or assist others to obtain a visa, entry into the U.S., or any other U.S. immigration benefit by fraud or willful misrepresentation or other unlawful means? Have you attended a U.S. public elementary school on student (F) status or a public secondary school after November 30, 1996 without reimbursing the school? ☐ YES ☐ NO
- Do you seek to enter the United States to engage in export control violations, subversive or terrorist activities, or any other unlawful purpose? Are you a member or representative of a terrorist organization as currently designated by the U.S. Secretary of State? Have you ever participated in persecutions directed by the Nazi government of Germany; or have you ever participated in genocide? ☐ YES ☐ NO
- Have you ever violated the terms of a U.S. visa, or been unlawfully present in, or deported from, the United States? ☐ YES ☐ NO
- Have you ever withheld custody of a U.S. citizen child outside the United States from a person granted legal custody by a U.S. court, voted in the United States in violation of any law or regulation, or renounced U.S. citizenship for the purpose of avoiding taxation? ☐ YES ☐ NO
- Have you ever been afflicted with a communicable disease of public health significance or a dangerous physical or mental disorder, or ever been a drug abuser or addict? ☐ YES ☐ NO

A YES answer does not automatically signify ineligibility for a visa, but if you answered YES to any of the above, or if you have any questions about the above, a personal appearance at this office is recommended. If an appearance is not possible at this time, attach a statement of facts in your case to this application.

34. WAS THIS APPLICATION PREPARED BY ANOTHER PERSON ON YOUR BEHALF? ☐ YES ☐ NO

(If answer is YES, then have that person complete item 35.)

35. Application Prepared By: NAME: _____

ADDRESS: _____

Relationship to Applicant: _____

Signature of Person Preparing Form: _____ DATE *(mm-dd-yyyy)* _____

36. I certify that I have read and understood all the questions set forth in this application and the answers I have furnished on this form are true and correct to the best of my knowledge and belief. I understand that any false or misleading statement may result in the permanent refusal of a visa or denial of entry into the United States. I understand that possession of a visa does not automatically entitle the bearer to enter the United States of America upon arrival at a port of entry if he or she is found inadmissible.

APPLICANT'S SIGNATURE _____

DATE *(mm-dd-yyyy)* _____

Privacy Act and Paperwork Reduction Act Statements

INA Section 222(f) provides that visa issuance and refusal records shall be considered confidential and shall be used only for the formulation, amendment, administration, or enforcement of the immigration, nationality, and other laws of the United States. Certified copies of visa records may be made available to a court which certifies that the information contained in such records is needed in a case pending before the court.

Public reporting burden for this collection of information is estimated to average 1 hour per response, including time required for searching existing data sources, gathering the necessary data, providing the information required, and reviewing the final collection. You do not have to provide the information unless this collection displays a currently valid OMB number. Send comments on the accuracy of this estimate of the burden and recommendations for reducing it to: U.S. Department of State, A/RPS/DIR, Washington, D.C. 20520-1849.

U.S. Department of State

SUPPLEMENTAL NONIMMIGRANT VISA APPLICATION

Approved OMB 1405-0134
Expires 09/30/2008
Estimated Burden 1 Hour*

PLEASE TYPE OR PRINT YOUR ANSWERS IN THE SPACE PROVIDED BELOW EACH ITEM
PLEASE ATTACH AN ADDITIONAL SHEET IF YOU NEED MORE SPACE TO CONTINUE YOUR ANSWERS

1. Last Name(s) *(List all Spellings)*	2. First Name(s) *(List all Spellings)*	3. Full Name *(In Native Alphabet)*

4. Clan or Tribe Name *(If Applicable)*	5. Spouse's Full Name *(If Married)*
6. Father's Full Name	7. Mother's Full Name

8. Full Name and Address of Contact Person or Organization in the United States *(Include Telephone Number)*

9. List All Countries You have Entered in the Last Ten Years *(Give the Year of Each Visit)*	10. List All Countries That Have Ever Issued You a Passport	11. Have you ever lost a passport or had one stolen? ☐ Yes ☐ No

12. Not Including Current Employer, List Your Last Two Employers

Name	Address	Telephone Number	Job Title	Supervisor's Name	Dates of Employment

13. List all Professional, Social and Charitable Organizations to Which You Belong (Belonged) or Contribute (Contributed) or with Which You Work (Have Worked).	14. Do you have any specialized skills or training, including firearms, explosives, nuclear, biological, or chemical experience? ☐ Yes ☐ No If YES, please explain

15. Have you ever performed military service? ☐ Yes ☐ No If yes, give name of country, branch of service, rank/position, military specialty, and dates of service.

16. Have you ever been in an armed conflict, either as a participant or victim? ☐ Yes ☐ No If YES, please explain.

17. List all educational institutions you attend or have attended. Include vocational institutions but not elementary schools.

Name of Institution	Address/Telephone Number	Course of Study	Dates of Attendance

18. Have you made specific travel arrangements? ☐ Yes ☐ No If YES, please provide a complete itinerary for your travel, including arrival/departure dates, flight information, specific location you will visit, and a point of contact at each location.

Paperwork Reduction Act Statement

*Public reporting burden for this collection of information is estimated to average 1 hour per response, including time required for searching existing data sources, gathering the necessary data, providing the information required, and reviewing the final collection. You do not have to provide the information unless this collection displays a currently valid OMB number. Send comments on the accuracy of this estimate of the burden and recommendations for reducing it to: U.S. Department of State, A/RPS/DIR, Washington, DC 20520.

OMB No. 1615-0003; Expires 12/31/08

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

Instructions for Form I-539, Application to Extend/Change Nonimmigrant Status

Instructions

Please read these instructions carefully to properly complete this form. If you need more space to complete an answer, use a separate sheet(s) of paper. Write your name and Alien Registration Number (A #), if any, at the top of each sheet of paper and indicate the part and number of the item to which the answer refers.

NOTE: You have the option of submitting this paper version of Form I-539 according to form's instructions or you may file the application electronically. To file electronically, visit our Internet website at **www.uscis.gov** and follow the instructions on e-filing. Whether you submit this paper form or e-file, U.S. Citizenship and Immigration Services (USCIS) recommends that you retain a copy of your application and supporting documents for your records.

What Is the Purpose of This Form?

You should use this form if you are one of the nonimmigrants listed below and wish to apply to U.S. Citizenship and Immigration Services (USCIS) for an extension of stay, or a change to another nonimmigrant status.

In certain situations, you may use this form to apply for an initial nonimmigrant status.

You may also use this form if you are a nonimmigrant F-1, or M-1 student applying for reinstatement.

When Should I Use Form I-539?

You must submit an application for extension of stay, or change of status before your current authorized stay expires. We suggest you file at least 45 days before your stay expires, or as soon as you determine your need to change status. Failure to file before the expiration date may be excused if you demonstrate when you file the application that:

1. The delay was due to extraordinary circumstances beyond your control;
2. The length of the delay was reasonable;
3. You have not otherwise violated your status;
4. You are still a bona fide nonimmigrant; and
5. You are not in removal proceedings.

Who May File This Form I-539?

Extension of Stay or Change of Status

Nonimmigrants in the United States may apply for an extension of stay or a change of status on this form, except as noted in these instructions under the heading, "Who May Not File This Form I-539."

Multiple Applicants

You may include your spouse and your unmarried children under age 21 years as co-applicants in your application for the same extension or change of status, if you are all now in the same status or they are all in derivative status.

Nonimmigrant Categories

This form may be used by the following nonimmigrants listed in alphabetical order:

1. An A, Ambassador, Public Minister, or Career Diplomatic or Consular Officer and their immediate family members

You must submit a copy, front and back, of the Form I-94 of each person included in the application and a Form I-566, Interagency Record of Individual Requesting Change, Adjustment to, or from, A to G Status; or Requesting A, G or NATO Dependent Employment Authorization, certified by the U.S. Department of State to indicate your accredited status.

NOTE: An A-1 or A-2 nonimmigrant is not required to pay a fee with the Form I-539 application.

2. An A-3, Attendant or Servant of an A Nonimmigrant and the A-3's immediate family members

You must submit a copy, front and back, of Form I-94 of each person included in the application.

The application must be filed with:

A. A copy of your employer's Form I-94 or approval notice demonstrating A status;

B. An original letter from your employer describing your duties and stating that he or she intends to personally employ you, and arrangements you have made to depart from the United States; and

C. An original Form I-566, certified by the U.S. Department of State, indicating your employer's continuing accredited status.

3. A B-1, Visitor for Business or B-2, Visitor for Pleasure

If you are filing for an extension/change, you must file your application with the original Form I-94 of each person included in your application. In addition, you must submit a written statement explaining in detail:

A. The reasons for your request;

B. Why your extended stay would be temporary, including what arrangements you have made to depart from the United States; and

C. Any effect the extended stay may have on your foreign employment or residency.

If you are applying for an extension/change of B-1, Visitor for pleasure, you must designate your desired status using the following classification in **Part 2.1.b** of Form I-539:

A. B-1A, non-immigrant who is the personal or domestic servant of a nonimmigrant employer;

B. B-1B, nonimmigrant domestic servant of a U.S. citizen;

C. B-1C, non-immigrant who is employed by a foreign airline;

D. B-1D, non-immigrant who is a missionary;

E. B-1, all other visa classifications not designated above.

4. Dependents of an E, Treaty Trader or Investor, or Australian Specialty Occupation Worker

If you are filing for an extension/change of status as the dependent of an E, this application must be submitted with:

A. Form I-129, Petition for Alien Worker, filed for that E or a copy of the filing receipt noting that the petition is pending with USCIS;

B. A copy of the E's Form I-94 or approval notice showing that he or she has already been granted status to the period requested on your application; and

C. Evidence of relationship (example: birth or marriage certificate).

NOTE: An employer or investor should file Form I-129 to request an extension/change to E status for an employee, prospective employee, or the investor. Dependents of E employees should file for an extension/change of status on this form, not Form I-129.

5. An F-1, Academic Student

To request a change to F-1 status or to apply for reinstatement as an F-1 student, you must submit your original Form I-94, as well as the original Form I-94 of each person included in the application.

Your application must include your original Form I-20 (Certificate of Eligibility for Nonimmigrant Student) issued by the school where you will study. To request either a change or reinstatement, you must submit documentation that demonstrates your ability to pay for your studies, and support yourself while you are in the United States.

F-1 Extensions

Do not use this form to request an extension. For information concerning extensions, contact your designated school official at your institution.

F-1 Reinstatement

You will only be considered for reinstatement as an F-1 student if you establish:

A. That the violation of status was due solely to circumstances beyond your control or that failure to reinstate you would result in extreme hardship;

B. You are pursuing or will pursue a full course of study;

C. You have not been employed without authorization; and

D. You are not in removal proceedings.

6. A G, Designated Principal Resident Representative of a Foreign Government and his or her immediate family members

You must submit a copy, front and back, of Form I-94 for each person included in the application, and a Form I-566, certified by the U.S. Department of State to indicate your accredited status.

NOTE: A G-1 through G-4 nonimmigrant is not required to pay a fee with the I-539 application.

The application must also be filed with:

A. A copy of your employer's Form I-94 or approval notice demonstrating G status;

B. An original letter from your employer describing your duties and stating that he or she intends to personally employ you and arrangements you have made to depart from the United States; and

7. Dependents of an H, Temporary Worker

If you are filing for an extension/change of status as the dependent of an employee who is an H temporary worker, this application must be submitted with:

A. Form I-129 filed for that employee or a copy of the filing receipt noting that the petition is pending with USCIS;

B. A copy of the employee's Form I-94 or approval notice showing that he or she has already been granted status to the period requested on your application; and

C. Evidence of relationship (example: birth or marriage certificate).

NOTE: An employer should file Form I-129 to request an extension/change to H status for an employee or prospective employee. Dependents of such employees should file for an extension/change of status on this form, not on Form I-129.

8. A J-1, Exchange Visitor

If you are requesting a change of status to J-1 nonimmigrant classification, your application must be filed with an original DS-2019, Certificate of Eligibility for Exchange Visitor Status. You must also submit your original Form I-94, as well as the original Form I-94 for each person included in the application.

J-1 Extensions

If you are a J-1 exchange visitor seeking an extension of nonimmigrant status, contact the responsible officer of your program for information about this procedure.

J-1 Reinstatement

If you are a J-1 exchange visitor seeking reinstatement, you may need to apply to the U.S. Department of State's Office of Education and Cultural Affairs for such approval. Contract the responsible officer at your sponsoring program for information on the restatement filing procedure.

Notice to J Nonimmigrants

A J-1 exchange visitor whose status is for the purpose of receiving graduate medical education or training, and who has not received the appropriate waiver, is ineligible for change of status except to a nonimmigrant T or U visa. In addition, a J-1 exchange visitor who is subject to the foreign residence requirement, and who has not received a waiver of that requirement, is only eligible for a change of status to a nonimmigrant A, G, T, or U visa.

If a J-1 exchange visitor is subject to the foreign residence requirement, the J-2 dependant is also subject as a derivative to this requirement. If the J-1 exchange visitor obtains a waiver of the foreign residence requirement, the J-2 dependant is also exempt from the requirement. Under certain limited circumstances, a J-2 dependant may be independently eligible for a waiver of the foreign residence requirement.

A former J nonimmigrant (either a J-1 principal or a J-2 dependant) subject to the foreign residence requirement, who is currently maintaining another nonimmigrant visa status, continues to be subject to the foreign residence requirement. As noted above, the former J nonimmigrant is ineligible for a change of status until he or she fulfills the foreign residence requirement or obtains the appropriate waiver.

If you are a current or former J nonimmigrant, you must provide information about this status, including the dates you maintained status as a J-1 exchange visitor or a J-2 dependant. Willful failure to disclose this information (or other relevant information) can result in your application being denied. Please provide proof of this status along with your application, such as a copy of Form DS-2019, Certificate of Eligibility for Exchange Visitor Status, or a copy of your passport that includes the J visa stamp.

9. Dependents of an L, Intracompany Transferee

If you are filing for an extension/change of status as the dependent of an employee who is an L intracompany transferee, this application must be submitted with:

A. The Form I-129 filed for that employee, or a copy of the filing receipt noting that the petition is pending with USCIS;

B. A copy of the employee's Form I-94 or approval notice showing that he or she has already been granted status to the period requested on your application; and

C. Evidence of relationship (example: birth or marriage certificate).

NOTE: An employer should file Form I-129 to request an extension/change to L status for an employee or prospective employee. Dependents of such employees should file for an extension/change of status on this form, not on Form I-129.

10. An M-1, Vocational or Non-Academic Student

To request a change to or extension of M-1 status, or apply for reinstatement as an M-1 student, you must submit your original Form I-94, as well as the original Form I-94 of each person included in the application.

M-1 Reinstatement

A. The violation of status was due solely to circumstances beyond your control or that failure to reinstate you would result in extreme hardship;

B. You are pursuing or will pursue a full course of study;

C. You have not been employed without authorization; and

D. You are not in removal proceedings.

NOTE: If you are an M-1 student, you are not eligible for a change to F-1 status, and you are not eligible for a change to any H status if the training you received as an M-1 helps you qualify for the H status. Also, you may not be granted a change to M-1 status for training to qualify for H status.

11. Dependents of a P, Artists, Athletes and Entertainers

If you are filing for an extension/change of status as the dependent of an employee who is classified as a P nonimmigrant, this application must be submitted with:

A. The Form I-129 filed for that employee or a copy of the filing receipt noting that the petition is pending with USCIS;

B. A copy of the employee's Form I-94 or approval notice showing that he or she has already been granted status to the period requested on your application; and

C. Evidence of relationship (example: birth or marriage certificate).

NOTE: An employer should file Form I-129 to request an extension/change to P status for an employee or prospective employee. Dependents of such employees should file for an extension/change of status on this form, not on Form I-129.

12. Dependents of an R, Religious Worker

If you are filing for an extension/change of status as the dependent of an employee who is classified as an R nonimmigrant, this application must be submitted with:

A. The Form I-129 filed for that employee or a copy of the filing receipt noting that the petition is pending with USCIS;

B. A copy of the employee's Form I-94 or approval notice showing that he or she has already been granted status to the period requested on your application; and

C. Evidence of relationship (example: birth or marriage certificate).

13. TD Dependents of TN Nonimmigrants

TN nonimmigrants are citizens of Canada or Mexico who are coming as business persons to the United States to engage in business activities at a professional level pursuant to the North American Free Trade Agreement (NAFTA). The dependents (spouse or unmarried minor children) of a TN nonimmigrant are designated as TD nonimmigrants. A TD nonimmigrant may accompany or follow to join the TN professional. TD nonimmigrants may not work in the United States.

Form I-539 shall be used by a TD nonimmigrant to request an extension of stay or by an applicant to request a change of nonimmigrant status to TD classification.

If you are filing for an extension/change of status as the dependent of an employee who is classified as a TN nonimmigrant, this application must be submitted with:

A. Form I-129 filed for that employee or a copy of the filing receipt noting that the petition is pending with USCIS;

B. A copy of the employee's Form I-94 or approval notice showing that he or she has already been granted status to the period requested on your application; and

C. Evidence of relationship (example: birth or marriage certificate).

14. A V, Spouse or Child of a Lawful Permanent Resident

Use this Form I-539 if you are physically present in the United States and wish to request initial status or change status to a V nonimmigrant, or to request an extension of your current V nonimmigrant status.

Applicants should follow the instructions on this form and the attached instructions to Supplement A to Form I-539, Filing Instructions for V Nonimmigrants. The supplement contains additional information and the location where V applicants must file their applications.

NOTE: In addition to the **$300** application fee required to file Form I-539, V applicants are required to pay a **$80** biometric services fee for USCIS to take their fingerprints.

If necessary, USCIS may also take the V applicant's photograph and signature as part of the biometric services.

Notice to V Nonimmigrants

The Legal Immigration Family Equity Act (LIFE), signed into law on December 21, 2000, created a new V visa. This nonimmigrant status allows certain persons to reside legally in the United States and to travel to and from the United States while they wait to obtain lawful permanent residence.

In order to be eligible for a V visa, all of the following conditions must be met:

A. You must be the spouse or the unmarried child of a lawful permanent resident;

B. A Form I-130, Petition for Alien Relative, must have been filed for you by your permanent resident spouse on or before December 21, 2000; and

C. You must have been waiting for at least three years after Form I-130 was filed for you;

Or you must be the unmarried child (under 21 years of age) of a person who meets the three requirements listed above.

V visa holders will be eligible to adjust to lawful permanent resident status once an immigrant visa becomes available to them. While they are waiting, V visa holders may be authorized to work following their submission and USCIS approval of their Form I-765, Application for Employment Authorization.

> **WARNING:** Be advised that persons in V status who have been in the United States illegally for more than 180 days may trigger the grounds of inadmissibility regarding unlawful presence (for the applicable 3-year or 10-year bar to admission) if they leave the United States. Their departure may prevent them from adjusting status as a permanent resident.

Who May Not File This Form I-539?

You may not be granted an extension or change of status if you were admitted under the Visa Waiver Program or if your current status is:

1. An alien in transit (C) or in transit without a visa (TWOV);
2. A crewman (D); or
3. A fiance'(e) or dependent of a fiance'(e) (K)(1) or (K)(2).

A spouse (K-3) of a U.S. citizen and their children (K-4), accorded such status pursuant to the LIFE Act, may not change to another nonimmigrant status.

EXCEPTION: A K-3 and K-4 are eligible to apply for an extension of status. They should file for an extension during the processing of Form I-130 filed on their behalf and up to completion of their adjustment of status application.

NOTE: Any nonimmigrant (A to V) may not change their status to K-3 or K-4.

General Instructions

Step 1. Fill Out Form I-539

1. Type or print legibly in black ink.
2. If extra space is needed to complete any item, attach a continuation sheet, indicate the item number, and date and sign each sheet.
3. Answer all questions fully and accurately. State that an item is not applicable with "N/A." If the answer is none, write "none."

Step 2. General requirements

Required Documentation - Form I-94, Nonimmigrant Arrival/ Departure Record. You are required to submit with your Form I-539 application the original or copy, front and back, of Form I-94 of each person included in your application. If the original Form I-94 or required copy cannot be submitted with this application, include a Form I-102, Application for Replacement/Initial Nonimmigrant Arrival/ Departure Document, with the required fee.

Valid Passport. If you were required to have a passport to be admitted into the United States, you must maintain the validity of your passport during your nonimmigrant stay. If a required passport is not valid when you file Form I-539 application, submit an explanation with your form.

Additional Evidence. You may be required to submit additional evidence noted in these instructions.

Translations. Any document containing foreign language submitted to USCIS shall be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English.

Copies. Unless specifically required that an original document be filed with an application or petition, an ordinary legible photocopy may be submitted. Original documents submitted when not required will remain a part of the record, even if the submission was not required.

Where To File?

1. With some exceptions, Form I-539 is generally filed with the California Service Center or the Vermont Service Center.

   California Service Center fillings cover the following states: Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin, or Wyoming.

The mailing address is:

USCIS California Service Center
P.O. Box 10539
Laguna Niguel, CA 92607-1053

Vermont Service Center filings cover the following states: Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, U.S. Virgin Islands, West Virginia, and the District of Columbia.

The address for Vermont Service Center filings is:

USCIS Vermont Service Center
ATTN: I-539
75 Lower Welden Street
St. Albans, VT 05479

2. **Applicants for change of status to E-1, E-2, E-3, H-4, L-2, O-3, or P-4 as the dependent spouse or child or for an E-1, E-2, E-3, H-4, L-2, O-3, P-4, or TD extension, as the dependent spouse or child.**

A. **Filing Form I-539 at the same time as the principal:** If your Form I-539 for change of status or extension of stay is filed at the same time as the principal's Form I-129, Petition for Nonimmigrant Worker, (which includes a request for change of status or extension of stay), send the entire Form I-129/I-539 package to the Vermont Service Center or the California Service Center, depending on the State where the principal is or will be employed temporarily.

B. **Filing Form I-539 separately from the principal and the principal's case is pending:** If the principal's Form I-129 (which includes a request for change of status or extension of stay) is pending, file Form I-539 with the same Service Center where the principal's Form I-129 is pending. Include a copy of Form I-129 filing receipt (or transfer notice) to show the pending Form I-129 location.

C. **Filing Form I-539 separately from the principal and the principal's case is approved:** If the principal's Form I-129 (which included a request for change of status or extension of stay) has already been approved, file Form I-539 with the Service Center which approved the principal's I-129 petition. Include a copy of the Form I-129 approval notice to show the approved Form I-129 location.

D. **F-1 and M-1 students applying for F-1 and M-1 reinstatement:** File Form I-539 with the California Service Center or the Vermont Service Center, depending on the State in which the educational institution you attend or plan to attend is located.

E. **All other applicants for change of status or extension of stay (not listed above or in the exceptions):** File Form I-539 with the California Service Center or the Vermont Service Center, depending on the State where you live.

3. **Exceptions**

A. **R-2 Religious Worker Dependents:**

File Form I-539 with the California Service Center, regardless of where the principal is/will be employed.

B. **H-1 C Nurses dependents:**

File Form I-539 with the California Service Center, regardless of where the principal is/will be employed.

C. **TD dependents of TN principals (Free Trade-Canada and Mexico), H-4 dependents of H-1B1 principals (Free Trade-Singapore and Chile), and E-3 dependents of E-3 principals (Free Trade-Australia):**

File Form I-539 with the Vermont Service Center, regardless of where the principal is/will be employed.

D. **Dependents of Major League Sports Athletes or Support Personnel:**

File with the Vermont Service Center. This covers major league athletes, minor league sports, and any affiliates associated with the major leagues in baseball, hockey, soccer, basketball, and football. Support personnel includes: coaches, trainers, broadcasters, referees, linesmen, umpires, and interpreters.

E. A, G and NATO:

1. For change of status requests to A, G, or NATO classification for employment with an embassy, international organization, or NATO, mail Form I-539 through your embassy, international organization, or NATO to: U.S. Department of State, Office of Protocol, 3507 International Place, N.W., Suite 242, Washington, DC 20008.
2. For change of status requests to G classification for employment with a foreign government's mission to the United Nations or with the United Nations Secretariat, mail Form I-539 **through the foreign government's mission or the UN Secretariat** to: U.S. Mission to the United Nations, 799 United Nations Plaza, New York, NY 10017.
3. For a dependent spouse or child requesting a change of status to a NATO classification based on the principal's classification as a NATO nonimmigrant, mail Form I-539 to: NATO/HQ SACT Legal Affairs, 7857 Blandy Road, Suite 100, Norfolk, VA 23551. If you or the principal or the principal NATO nonimmigrant through whom you derive your status are posted at a national component or as an exchange officer, please submit Form I-539 to your embassy for proper filing through official diplomatic channels.
4. For a change of status from A, G, or NATO classifications to another nonimmigrant classification, file Form I-539 with USCIS Service Center designated to handle the new nonimmigrant classification sought. You must submit with Form I-539 an endorsement by the U.S. Department of State Visa Office, or a USUN official at **Part 7** on the Form I-566 (interagency Record of Request-A, G, or NATO Dependent Employment Authorization or Change/Adjustment to Extend/Change Nonimmigrant Status).
5. For extensions of stay for A-3, G-5, or NATO-7 nonimmigrants, submit your application through your embassy or international organization, or NATO command for proper filing through official diplomatic channels.

F. V Nonimmigrants

Follow the filing instructions on Form I-539, Supplement A, Filing Instructions for V Nonimmigrants.

G. Updated Filing Address Information

The filing addresses provided on this form reflect the most current information as of the date this form was last printed.

If you are filing Form I-539 more than 30 days after the latest edition date shown in the lower right-hand corner, visit us online at **www.uscis.gov before you file**, and check the Immigration Forms page to confirm the correct filing address and version currently in use. Check the edition date located in the lower right-hand corner of the form. If the edition date on your Form I-539 matches the edition date listed for Form I-539 on the online forms page, your version is current and will be accepted by USCIS. If the edition date on the online version is later, download a copy and use the online version. If you do not have Internet access, call Customer Service at **1-800-375-5283** to verify the current filing address and edition date.

H. Note on E-Filing

If you are e-filing this application, it will automatically be routed to the appropriate Service Center, and you will receive a receipt indicating the location to which it was routed. This location may not necessarily be the same center shown in the filing addresses listed above. For e-filed applications, it is very important to review your filing receipt and make specific note of the receiving location.

All further communication, including submission of supporting documents, should be directed to the receiving location indicated on your e-filing receipt.

What Is the Filing Fee?

The filing fee for a Form I-539 is **$300** except for certain A and G nonimmigrants who are not required to pay a fee, as noted in these instructions.

An additional biometric fee of **$80** is required when filing this Form I-539 for V nonimmigrant status. After you submit Form I-539, USCIS will notify you about when and where to go for biometric services.

If biometric services are required, you may submit one check or money order for both the application and biometric fees, for a total of **$380**.

Use the following guidelines when you prepare your check or money order for the Form I-539 and the biometric service fee, if applicable:

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 check or money order payable to **U.S. Department of Homeland Security**, unless:
   - **A.** If you live in Guam and are filing your petition there, make it payable to **Treasurer, Guam**.
   - **B.** If you live in the U.S. Virgin Islands and are filing your petition there, make it payable to **Commissioner of Finance of the Virgin Islands**.

NOTE: Please 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, it will be converted 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 will be shown on your regular account statement.

You will not receive your original check back. We will destroy your original check, but we will keep a copy of it. If the EFT cannot be processed for technical reasons, you authorize us to process the copy in place of your original check. If the EFT cannot be completed because of insufficient funds, we may try to make the transfer up to two times.

How to Check If the Fees Are Correct

The form and biometric fees on this form are current as of the edition date appearing in the lower right corner of this page. However, because USCIS fees change periodically, you can verify if the fees are correct by following one of the steps below:

1. Visit our website at **www.uscis.gov**, select "Immigration Forms," and check the appropriate fee;
2. Review the Fee Schedule included in your form package, if you called us to request the form; or
3. Telephone our National Customer Service Center at **1-800-375-5283** and ask for the fee information.

NOTE: If your Form I-539 requires payment of a biometric service fee for USCIS to take your fingerprints, photograph, or signature, you can use the same procedure to obtain the correct biometric fee.

Address Changes

If you change your address and you have an application or petition pending with USCIS, you may change your address online at **www.uscis.gov**, click on "Change your address with USCIS" and follow the prompts. Or you may complete and mail Form AR-11, Alien's Change of Address Card, to:

U.S. Citizenship and Immigration Services
Change of Address
P.O. Box 7134
London, KY 40742-7134

For commercial overnight or fast freight services only, mail to:

U.S. Citizenship and Immigration Services
Change of Address
1084-I South Laurel Road
London, KY 40744

Processing Information

Any Form I-539 that is not signed or accompanied by the correct fee will be rejected with a notice that the Form I-539 is deficient. You may correct the deficiency and resubmit the Form I-539. An application or petition is not considered properly filed until accepted by USCIS.

Initial processing. Once a Form I-539 has been accepted, it will be checked for completeness, including submission of the required initial evidence. If you do not completely fill out the form, or file it without required initial evidence, you will not establish a basis for eligibility, and we may deny your Form I-539.

Requests for more information or interview. We may request more information or evidence, or we may request that you appear at a USCIS office for an interview. We may also request that you submit the originals of any copy. We will return these originals when they are no longer required.

Decision. The decision on a Form I-539 involves a determination of whether you have established eligiblity for the requested benefit. You will be notified of the decision in writing.

USCIS Forms and Information

To order USCIS forms, call our toll-free number at **1-800-870-3676**. You can also get USCIS forms and information on immigration laws, regulations, and procedures by telephoning our National Customer Service Center at **1-800-375-5283** or visiting our Internet website at **www.uscis.gov**.

As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our Internet-based system, **InfoPass**. To access the system, visit our website. Use the **InfoPass** appointment scheduler and follow the screen prompts to set up your appointment. **InfoPass** generates an electronic appointment notice that appears on the screen.

Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with this Form I-539, we will deny Form I-539 and may deny any other immigration benefit.

In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.

Privacy Act Notice

We ask for the information on this form, and associated evidence, to determine if you have established eligibility for the immigration benefit for which you are filing. Our legal right to ask for this information can be found in the Immigration and Nationality Act, as amended. We may provide this information to other government agencies. Failure to provide this information, and any requested evidence, may delay a final decision or result in denial of your Form I-539.

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 OMB control number. The public reporting burden for this collection of information is estimated at 45 minutes per response, including the time for reviewing instructions, completing and submitting the form. 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, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529. OMB No. 1615-0003. **Do not mail your application to this address.**

OMB No. 1615-0003; Expires 12/31/08

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

I-539, Application to Extend/ Change Nonimmigrant Status

START HERE - Please type or print in black ink.

Part 1. Information about you

Family Name	Given Name	Middle Name

Address -
In care of -

Street Number and Name	Apt. #

City	State	Zip Code	Daytime Phone #

Country of Birth	Country of Citizenship

Date of Birth (mm/dd/yyyy)	U. S. Social Security # (if any)	A # (if any)

Date of Last Arrival Into the U.S.	I-94 #
Current Nonimmigrant Status	Expires on (mm/dd/yyyy)

Part 2. Application type *(See instructions for fee.)*

1. I am applying for: *(Check one.)*
   - a. ☐ An extension of stay in my current status.
   - b. ☐ A change of status. The new status I am requesting is: _____
   - c. ☐ Reinstatement to student status
2. Number of people included in this application: *(Check one.)*
   - a. ☐ I am the only applicant.
   - b. ☐ Members of my family are filing this application with me. The total number of people (including me) in the application is: _____ *(Complete the supplement for each co-applicant.)*

Part 3. Processing information

1. I/We request that my/our current or requested status be extended until (mm/dd/yyyy): _____
2. Is this application based on an extension or change of status already granted to your spouse, child, or parent?
   ☐ No ☐ Yes. USCIS Receipt # _____
3. Is this application based on a separate petition or application to give your spouse, child, or parent an extension or change of status? ☐ No ☐ Yes, filed with this I-539.
   ☐ Yes, filed previously and pending with USCIS. Receipt #: _____
4. If you answered "Yes" to Question 3, give the name of the petitioner or applicant:

   If the petition or application is pending with USCIS, also give the following data:

   Office filed at _____ Filed on (mm/dd/yyyy) _____

Part 4. Additional information

1. For applicant #1, provide passport information: Country of Issuance	Valid to: (mm/dd/yyyy)

2. Foreign Address: Street Number and Name	Apt. #
City or Town	State or Province
Country	Zip/Postal Code

For USCIS Use Only

Returned	Receipt
Date	
Resubmitted	
Date	
Reloc Sent	
Date	
Reloc Rec'd	
Date	
☐ Applicant Interviewed on _____ Date	

☐ *Extension Granted to (Date):* _____

Change of Status/Extension Granted
New Class: From *(Date)*: _____
_____ To *(Date)*: _____

If Denied:
☐ Still within period of stay
☐ S/D to: _____
☐ Place under docket control

Remarks:

Action Block

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

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

ATTY State License #

3. **Answer the following questions. If you answer "Yes" to any question, please describe the circumstances in detail and explain on a separate sheet(s) of paper.**	**Yes**	**No**
a. Are you, or any other person included on the application, an applicant for an immigrant visa?	☐	☐
b. Has an immigrant petition ever been filed for you or for any other person included in this application?	☐	☐
c. Has a Form I-485, Application to Register Permanent Residence or Adjust Status, ever been filed by you or by any other person included in this application?	☐	☐
d. 1. Have you or any other person, included in this application, ever been arrested or convicted of any criminal offense since last entering the United States?	☐	☐
d. 2. Have you EVER ordered, incited, called for, commited, assisted, helped with, or otherwise participated in any of the following:		
(a) Acts involving torture or genocide?		
(b) Killing any person?		
(c) Intentionally and severely injuring any person?		
(d) Engaging in any kind of sexual contact or relations with any person who was being forced or threatened?		
(e) Limiting or denying any person's ability to exercise religious beliefs?	☐	☐
d. 3. Have you EVER:		
(a) Served in, been a member of, assisted in, or participated in any military unit, paramilitary unit, police unit, self-defense unit, vigilante unit, rebel group, guerrilla group, militia, or insurgent organization?		
(b) Served in any prison, jail, prison camp, detention facility, labor camp, or any other situation that involved detaining persons?	☐	☐
d. 4. Have you EVER been a member of, assisted in, or participated in any group, unit, or organization of any kind in which you or other persons used any type of weapon against any person or threatened to do so?	☐	☐
d. 5. Have you EVER assisted or participated in selling or providing weapons to any person who to your knowledge used them against another person, or in transporting weapons to any person who to your knowledge used them against another person?	☐	☐
d. 6. Have you EVER received any type of military, paramilitary, or weapons training?	☐	☐
e. Have you, or any other person included in this application, done anything that violated the terms of the nonimmigrant status you now hold?	☐	☐
f. Are you, or any other person included in this application, now in removal proceedings?	☐	☐
g. Have you, or any other person included in this application, been employed in the United States since last admitted or granted an extension or change of status?	☐	☐

1. If you answered "Yes" to Question 3f, give the following information concerning the removal proceedings on the attached page entitled "**Part 4. Additional information. Page for answers to 3f and 3g.**" Include the name of the person in removal proceedings and information on jurisdiction, date proceedings began, and status of proceedings.
2. If you answered "No" to Question 3g, fully describe how you are supporting yourself on the attached page entitled "**Part 4. Additional information. Page for answers to 3f and 3g.**" Include the source, amount, and basis for any income.
3. If you answered "Yes" to Question 3g, fully describe the employment on the attached page entitled "**Part 4. Additional information. Page for answers to 3f and 3g.**" Include the name of the person employed, name and address of the employer, weekly income, and whether the employment was specifically authorized by USCIS.

	Yes	No
h. Are you currently or have you ever been a J-1 exchange visitor or a J-2 dependent of a J-1 exchange visitor?	☐	☐

If yes, you must provide the dates you maintained status as a J-1 exchange visitor or J-2 dependent. Willful failure to disclose this information (or other relevant information) can result in your application being denied. Also, please provide proof of your J-1 or J-2 status, such as a copy of Form DS-2019, Certificate of Eligibility for Exchange Visitor Status, or a copy of your passport that includes the J visa stamp.

Part 5. Applicant's Statement and Signature *(Read the information on penalties in the instructions before completing this section. You must file this application while in the United States).*

Applicant's Statement (Check One):

☐ I can read and understand English, and have read and understand each and every question and instruction on this form, as well as my answer to each question.

☐ Each and every question and instruction on this form, as well as my answer to each question, has been read to me by the person named below in _____, a language in which I am fluent. I understand each and every question and instruction on this form, as well as my answer to each question.

Applicant's Signature

I certify, under penalty of perjury under the laws of the United States of America, that this application and the evidence submitted with it is all true and correct. I authorize the release of any information from my records that U.S. Citizenship and Immigration Services needs to determine eligibility for the benefit I am seeking.

Signature	Print your Name	Date
Daytime Telephone Number	E-Mail Address	

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

Part 6. Interpreter's Statement

Language used: _____

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

Signature	Print Your Name	Date
Firm Name (If Applicable)	Daytime Telephone Number *(Area Code and Number)*	
Address	Fax Number *(Area Code and Number)*	E-Mail Address

Part 7. Signature of Person Preparing Form, if Other than Above *(Sign Below)*

Signature	Print Your Name	Date
Firm Name (If Applicable)	Daytime Telephone Number *(Area Code and Number)*	
Address	Fax Number *(Area Code and Number)*	E-Mail Address

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

Part 4. (Continued) Additional information. Page for answers to 3f and 3g.

If you answered "Yes" to Question 3f in Part 4 on Page 3 of this form, give the following information concerning the removal proceedings. Include the name of the person in removal proceedings and information on jurisdiction, date proceedings began, and status of proceedings.

If you answered "No" to Question 3g in Part 4 on Page 3 of this form, fully describe how you are supporting yourself. Include the source, amount and basis for any income.

If you answered "Yes" to Question 3g in Part 4 on Page 3 of this form, fully describe the employment. Include the name of the person employed, name and address of the employer, weekly income, and whether the employment was specifically authorized by USCIS.

Supplement -1

Attach to Form I-539 when more than one person is included in the petition or application.

(List each person separately. Do not include the person named in the Form I-539.)

Family Name	Given Name	Middle Name	Date of Birth (mm/dd/yyyy)
Country of Birth	Country of Citizenship	U.S. Social Security # (if any)	A # (if any)
Date of Arrival (mm/dd/yyyy)		I-94 #	
Current Nonimmigrant Status:		Expires on (mm/dd/yyyy)	
Country Where Passport Issued		Expiration Date (mm/dd/yyyy)	

Family Name	Given Name	Middle Name	Date of Birth (mm/dd/yyyy)
Country of Birth	Country of Citizenship	U.S. Social Security # (if any)	A # (if any)
Date of Arrival (mm/dd/yyyy)		I-94 #	
Current Nonimmigrant Status:		Expires on (mm/dd/yyyy)	
Country Where Passport Issued		Expiration Date (mm/dd/yyyy)	

Family Name	Given Name	Middle Name	Date of Birth (mm/dd/yyyy)
Country of Birth	Country of Citizenship	U.S. Social Security # (if any)	A # (if any)
Date of Arrival (mm/dd/yyyy)		I-94 #	
Current Nonimmigrant Status:		Expires on (mm/dd/yyyy)	
Country Where Passport Issued		Expiration Date (mm/dd/yyyy)	

Family Name	Given Name	Middle Name	Date of Birth (mm/dd/yyyy)
Country of Birth	Country of Citizenship	U.S. Social Security # (if any)	A # (if any)
Date of Arrival (mm/dd/yyyy)		I-94 #	
Current Nonimmigrant Status:		Expires on (mm/dd/yyyy)	
Country Where Passport Issued		Expiration Date (mm/dd/yyyy)	

Family Name	Given Name	Middle Name	Date of Birth (mm/dd/yyyy)
Country of Birth	Country of Citizenship	U.S. Social Security # (if any)	A # (if any)
Date of Arrival (mm/dd/yyyy)		I-94 #	
Current Nonimmigrant Status:		Expires on (mm/dd/yyyy)	
Country Where Passport Issued		Expiration Date (mm/dd/yyyy)	

If you need additional space, attach a separate sheet(s) of paper.

Place your name, A #, if any, date of birth, form number, and application date at the top of the sheet(s) of paper.

SEYFARTH ATTORNEYS SHAW LLP

NONIMMIGRANT VISAS FOR FIANCÉES AND SPOUSES

I. Introduction

When a U.S. citizen is engaged or married to a foreign national who is outside of the U.S., the U.S. citizen may use Form I-129F to petition the U.S. government to allow his or her foreign spouse or fiancée to come to the U.S. to live. This section of the manual will describe the requirements and process for obtaining a "K" visa for a U.S. citizen's spouse or fiancée.

II. Fiancées of U.S. Citizens

A. Who Qualifies?

A fiancée qualifies for K-1 status if he or she is engaged to be married to a U.S. citizen. The marriage must be legally possible according to laws of the state in the United States where the marriage will take place.

In general, the two people must have met in person within the past two years. USCIS grants some exceptions to this requirement in situations in which it is contrary to cultural traditions for a man and woman to meet before marriage.

B. What is the Process?

The U.S. citizen must file a petition with USCIS requesting that his or her fiancée be granted a visa to enter the U.S. After the USCIS approves the petition (which will only be valid for four months), it sends the petition to National Visa Center for processing. The National Visa Center processes the petition and forwards it to the U.S. embassy or consulate abroad where the citizen's fiancée will apply for the K-1 visa stamp.

The fiancée then uses the visa stamp to enter the U.S. Once the fiancée has entered the U.S., he or she must, within 90 days, marry the U.S. citizen who initially filed the I-129F petition *and* file the adjustment of status application with USCIS. Failure to do both of these things within 90 days of entry may constitute a violation of status and may render the individual removable (deportable). (See the section of this manual relating to adjustment of status for more information about that process.)

The fiancée is eligible to request work authorization at the port of entry. While this used to be routinely granted, it is rare today. The fiancée is eligible, upon entry to the U.S., to apply for an employment authorization document (EAD) using Form I-765; this request is routinely granted. A copy of this form and instructions are attached. Most individuals choose to forego this filing and instead wait for the EAD card to be issued as a part of the adjustment of status process.

C. Why bother?

Some individuals enter the U.S. as visitors, marry U.S. citizens, and skip straight to the adjustment of status process. The problem with this strategy is that, if the foreign national

intended to marry a U.S. citizen at the time that he or she entered the U.S., it is a technical violation of U.S. immigration law. There is a risk that the fiancée will not be admitted to the U.S. because he or she lacks the requisite nonimmigrant intent. If the officer inspecting the fiancée when he or she seeks entry even suspects that the foreign national has a romantic relationship with someone in the U.S., that foreign national may be subjected to secondary inspection and may ultimately be denied entry to the U.S.

Entering the U.S. as a visitor with the intention of marrying a U.S. citizen and remaining permanently in the U.S. may be considered fraud and could cause problems for that individual when he or she seeks to become a green card holder.

In addition, for individuals from certain countries, visitor visas are difficult to obtain; for these individuals the fiancée visa may be the only option.

III. Spouses of U.S. Citizens

A. Options

A U.S. citizen has two options for petitioning the U.S. government to allow his or her foreign spouse to come to the U.S. to live. Those options are (1) the I-130 Petition for an Alien Relative and (2) the I-129F Petition for Alien Fiancé(e).

B. The I-130

The I-130 Petition for an Alien Relative is covered elsewhere in these materials. After the petition is filed and approved, the spouse of the U.S. citizen must apply at a U.S. embassy or consulate abroad to obtain the immigrant visa, which he or she uses to enter the U.S. as a lawful permanent resident ("green card" holder). Note that if the marriage is less than two years old at the time that the alien spouse enters the U.S., he or she will be granted "conditional" residence for the first two years. Please refer to the section of this manual regarding adjustment of status applications for additional details about this conditional status.

C. The I-129F

The I-129F Petition for an Alien Fiancée may also be used to speed the process for the U.S. citizen's spouse so that he or she may come to the U.S. in K-3 status while the I-130 Petition for an Alien Relative is pending. The Form I-130 must have been filed and a receipt notice issued before the U.S. citizen may file the Form I-129F for his or her spouse and children. The process is the same for a spouse as for a K-1 fiancé(e), with the difference being that the spouse need not marry the U.S. citizen within 90 days of entering the U.S. Once in the U.S., the K-3 spouse should apply for adjustment of status as soon as is feasible. (See the section of this manual relating to adjustment of status for more information about that process.)

IV. Children of the Fiancée and/or Spouse

The child of a fiancée or spouse in K-1 or K-3 status may receive a derivative K-2 or K-4 visa. The U.S. citizen petitioner must make sure that the child is named in the I-129F petition

(and that, if the marriage relationship already exists, the child has a separate I-130 Petition for Alien Relative filed on his or her behalf). After the marriage of the child's parent and the U.S. citizen (or entry to the U.S. in the event that the marriage has already occurred), the child will need a separate Form I-485 Application to Register Permanent Residence or to Adjust Status.

The child may travel with (accompany) the K-1/K-3 parent or travel later (follow-to-join) within one year from the date of issuance of the K-1/K-3 visa to his/her parent. A separate petition is not required if the children accompany or follow the alien fiancé(e) within one year from the date of issuance of the K-1/K-3 visa. If it is longer than one year from the date of visa issuance, a separate immigrant visa petition is required.

Remember that in immigration law a "child" must be unmarried. The stepparent/stepchild relationship must be created before the child reaches the age of 18.

V. Forms, Supporting Documents, and Fees

A. For a Fiancée

1. Form I-129F ($455).

2. Form G-325A (no fee). This form must be completed for the U.S. citizen petitioner and for every beneficiary.

3. Proof of U.S. citizenship (such as a U.S. passport, naturalization certificate, or birth certificate indicating birth in the U.S.)

4. Proof that the U.S. citizen and fiancée have met in person within the 2 years prior to filing (such as photographs, plane tickets, etc.)

5. Proof that both the U.S. citizen and fiancée are legally able to marry (if either have been previously married, it must be shown that all prior marriages have been legally terminated).

6. A passport-style color photograph of the U.S. citizen and of the fiancée. Both photos must have been taken within 30 days of the date of filing the petition. The photos must have a white background, be glossy, un-retouched and not mounted. The dimension of the full frontal facial image should be about one inch from the chin to the top of the hair. Using a pencil or felt pen, lightly print the name (and Alien Registration Number, if known) on the back of each photograph.

7. Additional documents may be necessary if either the U.S. citizen or the fiancée have been convicted of certain crimes and/or have utilized the K-1 visa in the past.

B. For a Spouse

1. Form I-129F (no fee).

2. Form G-325A (no fee). This form must be completed for the U.S. citizen petitioner and for every beneficiary.

3. Proof of U.S. citizenship (such as a U.S. passport, naturalization certificate, or birth certificate indicating birth in the U.S.)

4. Proof that the U.S. citizen and spouse are, in fact, married (the marriage certificate)

5. Proof that Form I-130 has been filed and is pending for the beneficiary (the receipt notice issued by USCIS).

6. A passport-style color photograph of the U.S. citizen and of the spouse. Both photos must have been taken within 30 days of the date of filing the petition. The photos must have a white background, be glossy, un-retouched and not mounted. The dimension of the full frontal facial image should be about one inch from the chin to the top of the hair. Using a pencil or felt pen, lightly print the name (and Alien Registration Number, if known) on the back of each photograph.

7. Additional documents may be necessary if either the U.S. citizen or the spouse have been convicted of certain crimes and/or have utilized the K-3 visa in the past.

C. To Obtain the Visa

Once the petition is approved, the fiancée or spouse must obtain the visa stamp at the U.S. embassy or consulate. To obtain the visa, he or she will need the following:

1. Two copies of form DS-156, Nonimmigrant Visa Application

2. One DS-156K, Nonimmigrant Fiancé(e) Visa Application form

3. Police certificates from all places lived in since the age of 16

4. Birth certificates

5. Marriage certificate for spouse

6. Death and divorce certificates from any previous spouses

7. Medical examination (except vaccinations)

8. A passport valid for travel to the United States and with a validity date at least six months beyond the applicant's intended period of stay in the United States (unless country-specific agreements provide exemptions).

9. Two nonimmigrant visa photos, two inches/50 X 50 mm square, showing full face, against a light background)

10. Proof of financial support (Form I-134 Affidavit of Support may be requested.)

11. Fees: a fee will be charge to make the appointment at the consulate, and an additional fee will be charged to make the visa application. There may also be a separate visa issuance or reciprocity fee. Check the website for the particular consular post for details.

Petition for Alien Fiance(e)

Purpose of Form :

To petition to bring your fiancé(e) and that person's children to the U.S. for marriage to you or to bring your spouse and that person's children (K-3 and K-4 visas, respectively) to the United States to complete processing for permanent resident status (under the LIFE Act and Amendments of 2000).

Number of Pages :

Instructions: 7; Form: 3.

Edition Date :

07/30/07, 11/24/06 editions can be used, no other editions accepted.

Where to File :

Please review the Chart listed in "Related Links," in the upper right corner of this web page, or the Form I-129F instructions available at the bottom of the page, for specific information on where to file your Form I-129F.

Filing Fee :

$455. There is no fee for petitions for K-3 status based on an immigrant petition filed by the same U.S. citizen.

Special Instructions :

Please note: You will need version 7.0.5 or later of Adobe Reader software to use this form. You can download the latest version of Adobe Reader for free from the Adobe website. A link to the Adobe website is in the Related Links section of this page.

This page can be found at http://www.uscis.gov/i-129f

- Download Instructions for completing Form I-129F (219KB PDF)
- Download I-129F (201KB PDF)

Last updated: 01/09/2008

OMB No. 1615-0001; Expires 01/31/2010

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

Instructions for Form I-129F, Petition for Alien Fiancé(e)

Instructions

Please read these instructions carefully to properly complete this form. If you need more space to complete an answer, use a separate sheet(s) of paper. Write your name and Alien Registration Number (A #), if any, at the top of each sheet of paper and indicate the part and number of the item to which the answer refers.

The filing addresses provided on this form reflect the most current information as of the date this form was last printed. If you are filing Form I-129F more than 30 days after the latest edition date shown in the lower right-hand corner, please visit our website online at www.uscis.gov before you file, and check the Immigration Forms page to confirm the correct filing address and version currently in use. Check the edition date located in the lower right-hand corner of the form. If the edition date on your Form I-129F matches the edition date listed for Form I-129F on the online Immigration Forms page, your version is current and will be accepted by USCIS. If the edition date on the online version is later, download a copy and use the online version. If you do not have internet access, call the National Customer Service Center at 1-800-375-5283 to verify the current filing address and edition date. **Improperly filed forms will be rejected, and the fee returned, with instructions to resubmit the entire filing using the current form instructions.**

What Is the Purpose of This Form.

This form is used to petition to bring your fiancé(e) and that person's children to the United States for marriage to you or to bring your spouse and that person's children (K-3 and K-4 visas, respectively) to the United States to complete processing for permanent resident status (under the LIFE Act and Amendments of 2000).

Who May File This Form I-129F.

You may file this petition if:

1. You are a U.S. citizen, and
2. You and your fiancé(e) intend to marry within 90 days of your fiancé(e) entering the United States, and are both free to marry, and have met in person within two years before your filing of this petition unless:

   A. The requirement to meet your fiancé(e) in person would violate strict and long-established customs of your or your fiancé(e)'s foreign culture or social practice; or

   B. It is established that the requirement to personally meet your fiancé(e) would result in extreme hardship to you.

   OR

   C. You wish to have your spouse enter as a nonimmigrant. **See Item 8, How Do You Use This Form for Your Spouse Seeking Entry Using a K-3 Visa, on Page 4.**

   NOTE: Unmarried children of your fiancé(e) or spouse who are under 21 years of age and listed on this form will be eligible to apply to accompany your fiancé(e) or spouse.

General Instructions.

Step 1. Fill Out the Form I-129.

1. Type or print legibly in black ink.
2. If extra space is needed to complete any item, attach a continuation sheet, indicate the item number, and date and sign each sheet.
3. Answer all questions fully and accurately. State that an item is not applicable with "N/A." If the answer is none, write "none."

Step 2. General requirements

1. **Compliance with the International Marriage Broker Regulation Act (IMBRA).**

   If you met your fiancé(e) or spouse through the services of an international marriage broker, you must notify USCIS of that fact by answering Question 19 on this form. The term "international marriage broker" means a corporation, partnership, business, individual, or other legal entity, whether or not organized under any law of the United States, that charges fees for providing dating, matrimonial, matchmaking services, or social referrals between United States citizens or nationals or aliens lawfully admitted to the United States as lawful permanent residents and foreign national clients by providing personal contact information or otherwise facilitating communication between individuals.

   The term "international marriage broker" does not include:

   A. Traditional matchmaking organizations of a cultural or religious nature that operate on a non-profit basis and in compliance with the laws of the countries in which it operates, including the laws of the United States; or

B. Entities that provide dating services if their principal business is not to provide international dating services between United States citizens or United States residents and foreign nationals and charge comparable rates and offers comparable services to all individuals it serves regardless of the individual's gender or country of citizenship.

For additional IMBRA requirements, see **Items 7** and **9** of these instructions

2. Filing Limitations on K Nonimmigrant Petitioners.

If you have filed two or more K-1 visa petitions at any time in the past or previously had a K-1 visa petition approved within two years prior to the filing of this petition, you must apply for a waiver. To request a waiver you must submit a written request with this petition accompanied by documentation of your claim to the waiver.

If you have committed a violent offense against a person or persons, USCIS may not grant such a waiver unless you can demonstrate that extraordinary circumstances exist. For details regarding those circumstances, see **Item 7.B.** of these instructions.

3. What Documents Do You Need to Show That You Are a U.S. Citizen?

A. If you were born in the United States, give USCIS a copy, front and back, of your birth certificate.

B. If you were naturalized, give USCIS a copy, front and back, of your original Certificate of Naturalization.

C. If you were born outside the United States and you are a U.S. citizen through your parents, give USCIS:

1. Your original Certificate of Citizenship, or
2. Your Form FS-240 (Report of Birth Abroad of a United States Citizen).

D. In place of any of the above, you may give USCIS a copy of your valid, unexpired U.S. passport issued with a validity period of at least five years. You must submit copies of all pages in the passport.

E. If you do not have any of the above and were born in the United States, see **Item 4, What If a Document Is Not Available.**

4. What If a Document Is Not Available?

If the documents needed above are not available, you can instead give USCIS the following secondary evidence. However, USCIS may request in writing that you obtain a statement from the appropriate civil authority certifying that the needed document is not available. Any evidence submitted must contain enough information, such as a birth date, to establish the event you are trying to prove.

A. ***Baptismal certificate.*** A copy, front and back, of the certificate under the seal of the church, synagogue or other religious entity showing where the baptism, dedication or comparable rite occurred, as well as the date and place of the child's birth, date of baptism and names of the child's parents. The baptism must have occurred within two months after the birth of the child.

B. ***Census record.*** State or Federal census records showing the name(s), date(s) and place(s) of birth or age(s) of the person(s) listed.

C. ***School record.*** A letter from the school authority (preferably from the first school attended), showing the date of admission to the school, child's date or age at that time, place of birth and the names of the parents.

D. ***Affidavits.*** If a required document cannot be obtained, you must submit either an original written statement from the governmental agency that should have the record, verifying that the record does not exist or a citation to the Department of State Foreign Affairs Manual indicating that such records are generally not available. Only then may you submit written affidavits sworn to or affirmed by two persons who were living at the time and who have personal knowledge of the event. Each affidavit must contain the affiant's full name, address, date and place of birth, and signature. The affidavit must also explain the affiant's relationship to you, full information concerning event and complete details of how the affiant acquired the information.

5. What Documents Do You Need to Prove That You Can Legally Marry?

A. Provide copies of evidence that you and your fiancé(e) have personally met within the last two years; or if you have never met within the last two years, provide a detailed explanation and evidence of the extreme hardship or customary, cultural or social practices that have prohibited your meeting; and

B. Provide original statements from you and your fiancé(e) whom you plan to marry within 90 days of his or her admission, and copies of any evidence you wish to submit to establish your mutual intent; and

C. If either of you is of an age that requires special consent or permission for you to marry in the jurisdiction where your marriage will occur, give proof of that consent or permission; and

D. If either you or your fiancé(e) were married before, give copies of documents showing that each prior marriage was legally terminated.

6. What Other Documents Do You Need?

A. Submit a completed and signed Form G-325A (Biographic Information) for you and a completed and signed Form G-325A for your fiancé(e). Except for name and signature, you do not have to repeat on the Biographic Information form the information given on your Form I-129F.

B. Give USCIS a passport-style color photograph of yourself and a passport-style color photograph of your fiancé(e), with both photos taken within 30 days of the date of filing this petition. The photos must have a white background, be glossy, un-retouched and not mounted. The dimension of the full frontal facial image of you and your fiancé(e) in separate photos should be about one inch from your chin to the top of your hair. Using a pencil or felt pen, lightly print the name (and Alien Registration Number, if known) on the back of each photograph.

C. If either you or the person you are filing for is using a name other than that shown on the relevant documents, you must give USCIS copies of the legal documents that made the change, such as a marriage certificate, adoption decree or court order.

7. What Documents Do You Need to Comply With the International Marriage Broker Regulation Act?

A. If you have ever been convicted of any of the following crimes, submit certified copies of all court and police records showing the charges and dispositions for every such conviction. This is required even if your records were sealed or otherwise cleared or if anyone, including a judge, law enforcement officer, or attorney, told you that you no longer have a record.

1. Domestic violence, sexual assault, child abuse and neglect, dating violence, elder abuse, and stalking.

   The term "domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

2. Homicide, murder, manslaughter, rape, abusive sexual contact, sexual exploitation, incest, torture, trafficking, peonage, holding hostage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, or an attempt to commit any of these crimes.

3. Crimes relating to a controlled substance or alcohol <u>on three or more occasions</u>, and such crimes did not arise from a single act.

NOTE: If your petition is approved, a copy of your petition, including the information you submit regarding your criminal convictions, will be provided to the Department of State for dissemination to the beneficiary of your petition pursuant to section 833(a)(5)(A)(ii) of IMBRA. In addition, pursuant to section 833(a)(5)(A)(iii) of IMBRA, any criminal background information pertaining to you that USCIS may discover independently in adjudicating this petition will also be provided to the Department of State for disclosure to the beneficiary of your petition. You should also note that under section 833(c) of IMBRA, the name and contact information of any person who was granted a protection or restraining order against you, or of any victim of a crime of violence perpetrated by the petitioner, will remain confidential but that the relationship of the petitioner of such person or victim (i.e., spouse, child, etc.) will be disclosed.

B. If you are seeking a waiver of the filing limitations imposed by IMBRA, you must attach a signed and dated request for the waiver, explaining why a waiver would be appropriate in your case, together with any evidence in support of your request. Examples of such

evidence include, but are not limited to: a death certificate, police reports, news articles, or medical reports from a licensed medical professional, regarding the death of an alien approved for a prior K visa.

If you have committed a violent offense and seek a waiver, you must attach a signed and dated request for the waiver, together with evidence that extraordinary circumstances exist in your case, i.e., that you were being battered or subjected to extreme cruelty by your spouse, parent, or adult child at the time you committed your violent offense(s), you were not the primary perpetrator of violence in the relationship, and:

1. You were acting in self-defense;
2. You violated a protection order intended for your protection; or
3. You committed, were arrested for, were convicted of, or plead guilty to committing a crime that did not result in serious bodily injury and where there was a connection between the crime committed and your having been battered or subjected to extreme cruelty.

Examples of such evidence include, but are not limited to:

Police reports;

Court records;

News articles;

Trial transcripts.

Applicants may submit any credible evidence that is relevant to the request for such a waiver.

8. How Do You Use This Form for Your Spouse Seeking Entry With a K-3 Visa?

This form may be used to obtain a K-3 visa for your alien spouse. Fill out the form as directed, except assume that "fiancé" or "fiancé(e)" means "spouse." Answer Questions **B.17** and **B.18** by stating "N/A." Note that filing this form is only necessary to facilitate the entry of your spouse as a **nonimmigrant**.

You must submit the documents required in **Items 1, 2** and **4** of the instructions, but may omit the documents required in **Item 3**. In addition, U.S. citizens petitioning for K-3 visas for their alien spouses must also include evidence that they have filed Form I-130, Petition for Alien Relative, on behalf of the alien spouse listed on this form, and a marriage certificate evidencing the legal marriage between the citizen and alien.

The LIFE Act requires applicants to apply for a K-3 visa in the country where their marriage to the U.S. citizen petitioner occurred. Petitioners should make sure to identify the appropriate consulate, in the same country where they married the alien for whom they are petitioning, in **Block 20** to avoid lengthy delays. In the event the petitioner and alien were married in the United States, they should list the country of the alien's current residence. See U.S. Department of State regulations at 21 CFR 41.81.

9. Mandatory Tracking of Multiple Petitions and Dissemination of Information Pamphlet.

The International Marriage Broker Regulation Act requires USCIS to maintain a database to track repeated petitions for K visas. Upon approval of a second petition for a K-1 or K-3 visa filed by the same U.S. citizen petitioner, USCIS will notify the petitioner that information concerning the petitioner has been entered into a multiple visa petition tracking database. USCIS will enter all subsequent K-1 or K-3 petitions filed by that petitioner into the database. When a subsequent petition for a K-1 or K-3 visa petition has been filed less than ten years after the date the first petition was filed, USCIS will notify both the petitioner and the beneficiary of the number of previously approved petitions listed in the database. USCIS will also send the beneficiary a pamphlet containing information on legal rights and resources for immigrant victims of domestic violence.

Translations. Any document containing foreign language submitted to the Service shall be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English.

Copies. Unless specifically required that an original document be filed with an application or petition, an ordinary legible photocopy may be submitted. Original documents submitted when not required will remain a part of the record, even if the submission was not required.

Where To File.

Before you file Form I-129F for your K-3 spouse or K-1 fiancé(e) please note the different filing addresses. Failure to follow these instructions may result in your application or petition being rejected, delayed or denied.

A. Form I-129F Filing Locations for K-1 Fiancé(e)

If you live in the United States:

File Form I-129F at the service center listed below based on where you live.

If you are filing abroad:

File Form I-129F with the service center listed below based on the last place you lived in the United States.

NOTE: Your petition cannot be adjudicated at a USCIS office abroad.

California Service Center Filings

File Form I-129F with the California Service Center if you live in:

Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin, or Wyoming.

Mail your Form I-129F package to:

USCIS
California Service Center
P.O. Box 10130
Laguna Niguel, CA 92607-0130

Vermont Service Center Filings

File form I-129F with the Vermont Service Center if you live in:

Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, U.S. Virgin Islands, West Virginia and the District of Columbia.

Mail your Form I-129F package to:

USCIS
Vermont Service Center
Attn: I-129F
75 Lower Welden Street
St. Albans, VT 05479-0001

B. Form I-129F Filing Locations for K-3 Spouse

If you are filing an I-129F petition for your spouse, mail your petition to the Service Center where the underlying I-130 petition is currently pending. Use the address listed on your most recent receipt notice or transfer notice and include a copy of that notice with your Form I-129F.

Questions Regarding Form I-129F

For additional information about Form I-129F, including how to file your application or filing locations not mentioned, call the USCIS National Customer Service Center at **1-800-375-5283** or visit our website at **www.uscis.gov.**

What Is the Filing Fee?

The filing fee for a Form I-129F is **$455.00.**

Use the following guidelines when you prepare your check or money order for the Form I-129F 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 check or money order payable to **U.S. Department of Homeland Security**, unless:
   - **A.** If you live in Guam and are filing your petition there, make it payable to **Treasurer, Guam.**
   - **B.** If you live in the U.S. Virgin Islands and are filing your petition there, make it payable to **Commissioner of Finance of the Virgin Islands.**
   - **C.** If you live outside the United States, Guam, or the U.S. Virgin Islands, contact the nearest U.S. consulate or embassy for instructions on the method of payment.

   NOTE: Please 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, it will be converted 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 will be shown on your regular account statement.

You will not receive your original check back. We will destroy your original check, but we will keep a copy of it. If the EFT cannot be processed for technical reasons, you authorize us to process the copy in place of your original check. If the EFT cannot be completed because of insufficient funds, we may try to make the transfer up to two times.

How to Check If the Fees Are Correct.

The form fee on this form is current as of the edition date appearing in the lower right corner of this page.

However, because USCIS fees change periodically, you can verify if the fees are correct by following one of the steps below:

1. Visit our website at **www.uscis.gov**, select "Immigration Forms" check the appropriate fee;
2. Review the Fee Schedule included in your form package, if you called us to request the form; or
3. Telephone our National Customer Service Center at **1-800-375-5283** and ask for the fee information.

Address Changes.

If you change your address and you have an application or petition pending with USCIS, you may change your address on-line at **www.uscis.gov**, click on "Change your address with USCIS" and follow the prompts or by completing and mailing Form AR-11, Alien's Change of Address Card, to:

U.S. Citizenship and Immigration Services
Change of Address
P.O. Box 7134
London, KY 40742-7134

For commercial overnight or fast freight services only, mail to:

U.S. Citizenship and Immigration Services
Change of Address
1084-I South Laurel Road
London, KY 40744

Processing Information.

How Does Your Alien Fiancé(e) Obtain Permanent Resident Status?

Your alien fiancé(e) may apply for conditional permanent resident status after you have entered into a valid marriage to each other within 90 days of your fiancé(e)'s entry into the United States. Your alien spouse should then apply promptly to USCIS for adjustment of status to conditional permanent resident, using Form I-485, Application to Register or Adjust Status.

How Does Your Spouse Become a Permanent Resident Without Conditions?

Both you and your conditional permanent resident spouse are required to file a petition, Form I-751, Petition to Remove the Conditions on Residence, during the 90-day period immediately before the second anniversary of the date your alien spouse was granted conditional permanent residence. Children who were admitted as conditional permanent residents with your spouse may be included in the joint petition to remove the conditions.

The rights, privileges, responsibilities and duties that apply to all other permanent residents apply equally to a conditional permanent resident to file petitions on behalf of qualifying relatives, or to reside permanently in the United States as an immigrant in accordance with the immigration laws.

Notice

Failure to file Form I-751, Petition to Remove the Conditions on Residence, will result in termination of permanent residence status and initiation of removal proceedings.

What Are the Penalties for Marriage Fraud or Giving False Information?

Title 18, United States Code, Section 100 states that whoever willfully and knowingly falsifies a material fact, makes a false statement or makes use of a false document will be fined up to $10,000 or imprisoned up to five years, or both.

Title 8, United States Code, Section 1325 states that any person who knowingly enters into a marriage contract for the purpose of evading any provision of the immigration laws shall be imprisoned for not more than five years or fined not more than $250,000, or both.

Any Form I-129F that is not signed or accompanied by the correct fee, will be rejected with a notice that the Form I-129F is deficient. You may correct the deficiency and resubmit the Form I-129F. An application or petition is not considered properly filed until accepted by USCIS.

Initial processing. Once a Form I-129F has been accepted, it will be checked for completness, including submission of the required initial evidence. If you do not completely fill out the form, or file it without required initial evidence, you will not establish a basis for eligibility and we may deny your Form I-129F.

Requests for more information or interview. We may request more information or evidence, or we may request that you appear at a USCIS office for an interview. We may also request that you submit the originals of any copy. We will return these originals when they are no longer required.

Decision. The decision on a Form I-129F involves a determination of whether you have established eligiblity for the requested benefit. You will be notified of the decision in writing.

USCIS Forms and Information.

To order USCIS forms, call our toll-free number at **1-800-870-3676**. You can also get USCIS forms and information on immigration laws, regulations and procedures by telephoning our National Customer Service Center at **1-800-375-5283** or visiting our internet website at **www.uscis.gov**.

As an altenative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our internet-based system, **InfoPass**. To access the system, visit our website. Use the **InfoPass** appointment scheduler and follow the screen prompts to set up your appointment. **InfoPass** generates an electronic appointment notice that appears on the screen.

Penalties.

If you knowingly and willfully falsify or conceal a material fact or submit a false document with this Form I-129F, we will deny the Form I-129F and may deny any other immigration benefit.

In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.

Privacy Act Notice.

We ask for the information on this form, and associated evidence, to determine if you have established eligibility for the immigration benefit for which you are filing. Our legal right to ask for this information can be found in the Immigration and Nationality Act, as amended. We may provide this information to other government agencies. Failure to provide this information, and any requested evidence, may delay a final decision or result in denial of your Form I-129F.

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 OMB control number. The public reporting burden for this collection of information is estimated at 1 hour, 30 minutes per response, including the time for reviewing instructions, completing and submitting the form. 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, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529. OMB No. 1615-0001. **Do not mail your application to this address.**

OMB No. 1615-0001; Expires 01/31/2010

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

I-129F, Petition for Alien Fiancé(e)

Do not write in these blocks. For USCIS Use Only

Case ID #	Action Block	Fee Stamp
A #		
G-28 #		AMCON: _____
The petition is approved for status under Section 101(a)(5)(k). It is valid for four months from the date of action. _____		☐ Personal Interview ☐ Previously Forwarded ☐ Document Check ☐ Field Investigation
Remarks:		

Part A. Start Here. Information about you.

1. **Name** *(Family name in CAPS)* *(First)* *(Middle)*
2. **Address** *(Number and Street)* Apt. #
   (Town or City) (State or Country) (Zip/Postal Code)
3. **Place of Birth** *(Town or City)* (State/Country)
4. **Date of Birth** *(mm/dd/yyyy)*
5. **Gender** ☐ Male ☐ Female
6. **Marital Status** ☐ Married ☐ Single ☐ Widowed ☐ Divorced
7. **Other Names Used** *(including maiden name)*

8a. **U.S. Social Security Number** 8b. **A#** *(if any)*

9. **Names of Prior Spouses** **Date(s) Marriage(s) Ended**

10. **My citizenship was acquired through** *(check one)*
   ☐ Birth in the U.S. ☐ Naturalization
   Give number of certificate, date and place it was issued.
   ☐ Parents
   Have you obtained a certificate of citizenship in your name?
   ☐ Yes ☐ No
   If "Yes," give certificate number, date and place it was issued.

11. **Have you ever filed for this or any other alien fiancé(e) or husband/wife before?**
   ☐ Yes ☐ No
   If "Yes," give name of all aliens, place and date of filing, A# and result. *(Attached additional sheets as necessary.)*

Part B. Information about your alien fiancé(e).

1. **Name** *(Family name in CAPS)* *(First)* *(Middle)*
2. **Address** *(Number and Street)* Apt. #
   (Town or City) (State or Country) (Zip/Postal Code)

3a. **Place of Birth** *(Town or City)* (State/Country)

3b. **Country of Citizenship**

4. **Date of Birth** *(mm/dd/yyyy)*
5. **Gender** ☐ Male ☐ Female
6. **Marital Status** ☐ Married ☐ Single ☐ Widowed ☐ Divorced
7. **Other Names Used** *(including maiden name)*

8. **U.S. Social Security #** 9. **A#** *(if any)*

10. **Names of Prior Spouses** **Date(s) Marriage(s) Ended**

11. **Has your fiancé(e) ever been in the U.S.?**
   ☐ Yes ☐ No

12. **If your fiancé(e) is currently in the U.S., complete the following:**
   He or she last arrived as a: *(visitor, student, exchange alien, crewman, stowaway, temporary worker, without inspection, etc.)*

   Arrival/Departure Record (I-94) Number
   ☐☐☐ – ☐☐☐☐☐☐☐☐

   Date of Arrival *(mm/dd/yy)* **Date authorized stay expired, or will expire as shown on I-94 or I-95**

INITIAL RECEIPT _____ RESUBMITTED _____ RELOCATED: Rec'd. _____ Sent _____ COMPLETED: Appv'd. _____ Denied _____ Ret'd. _____

Part B. Information about your alien fiancé(e). *(Continued.)*

13. List all children of your alien fiancé(e) *(if any)*

Name *(First/Middle/Last)*	Date of Birth *(mm/dd/yyyy)*	Country of Birth	Present Address

14. Address in the United States where your fiancé(e) intends to live.

(Number and Street) (Town or City) (State)

15. Your fiancé(e)'s address abroad.

(Number and Street) (Town or City) (State or Province)

(Country) (Phone Number; Include Country, City and Area Codes)

16. If your fiancé(e)'s native alphabet uses other than Roman letters, write his or her name and address abroad in the native alphabet.

(Name) (Number and Street)

(Town or City) (State or Province) (Country)

17. Is your fiancé(e) related to you? ☐ Yes ☐ No

If you are related, state the nature and degree of relationship, e.g., third cousin or maternal uncle, etc.

18. Has your fiancé(e) met and seen you within the two-year period immediately receding the filing of this petition?

☐ Yes ☐ No

Describe the circumstances under which you met. If you have not personally met each other, explain how the relationship was established. If you met your fiancé(e) or spouse though an international marriage broker, please explain those circumstances in Question 19 below. Explain also in detail any reasons you may have for requesting that the requirement that you and your fiancé(e) must have met should not apply to you.

19. Did you meet your fiancé(e) or spouse through the services of an international marriage broker?

☐ Yes ☐ No

If you answered yes, please provide the name and any contact information you may have (including internet or street address) of the international marriage broker and where the international marriage broker is located. Attach additional sheets of paper if necessary.

20. Your fiancé(e) will apply for a visa abroad at the American embassy or consulate at:

(City) (Country)

NOTE: (Designation of a U.S. embassy or consulate outside the country of your fiancé(e)'s last residence does not guarantee acceptance for processing by that foreign post. Acceptance is at the discretion of the designated embassy or consulate.)

Part C. Other information.

1. If you are serving overseas in the Armed Forces of the United States, please answer the following:

I presently reside or am stationed overseas and my current mailing address is:

2. Have you ever been convicted by a court of law (civil or criminal) or court martialed by a military tribunal for any of the following crimes:

- Domestic violence, sexual assault, child abuse and neglect, dating violence, elder abuse or stalking. (Please refer to page 3 of the instructions for the full definition of the term "domestic violence.)
- Homicide, murder, manslaughter, rape, abusive sexual contact, sexual exploitation, incest, torture, trafficking, peonage, holding hostage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment or an attempt to commit any of these crimes, or
- Three or more convictions for crimes relating to a controlled substance or alcohol not arising from a single act.

☐ Yes ☐ No

Answering this question is required even if your records were sealed or otherwise cleared or if anyone, including a judge, law enforcement officer, or attorney, told you that you no longer have a record. Using a separate sheet(s) of paper, attach information relating to the conviction(s), such as crime involved, date of conviction and sentence.

3. If you have provided information about a conviction for a crime listed above and you were being battered or subjected to extreme cruelty by your spouse, parent, or adult child at the time of your conviction, check all of the following that apply to you:

☐ I was acting in self-defense.

☐ I violated a protection order issued for my own protection.

☐ I committed, was arrested for, was convicted of, or plead guilty to committing a crime that did not result in serious bodily injury, and there was a connection between the crime committed and my having been battered or subjected to extreme cruelty.

Part D. Penalties, certification and petitioner's signature.

PENALTIES: You may by law be imprisoned for not more than five years, or fined $250,000, or both, for entering into a marriage contract for the purpose of evading any provision of the immigration laws, and you may be fined up to $10,000 or imprisoned up to five years, or both, for knowingly and willfully falsifying or concealing a material fact or using any false document in submitting this petition.

YOUR CERTIFICATION: I am legally able to and intend to marry my alien fiancé(e) within 90 days of his or her arrival in the United States. I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Furthermore, I authorize the release of any information from my records that U.S. Citizenship and Immigration Services needs to determine eligibility for the benefit that I am seeking.

Moreover, I understand that this petition, including any criminal conviction information that I am required to provide with this petition, as well as any related criminal background information pertaining to me that U.S. Citizenship and Immigration Services may discover independently in adjudicating this petition will be disclosed to the beneficiary of this petition.

Signature | **Date** *(mm/dd/yyyy)* | **Daytime Telephone Number** *(with area code)*

E-Mail Address (if any)

Part E. Signature of person preparing form, if other than above. *(Sign below.)*

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

Signature | Print or Type Your Name | G-28 ID Number | Date *(mm/dd/yyyy)*

Firm Name and Address

Daytime Telephone Number (*with area code*)

E-Mail Address (if any)

OMB No. 1615-0008; Exp. 05/31/09

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

G-325A, Biographic Information

(Family Name)	(First Name)	(Middle Name)	☐ Male ☐ Female	Birth Date (mm/dd/yyyy)	Citizenship/Nationality	File Number A
All Other Names Used (Including names by previous marriages)			City and Country of Birth			U.S. Social Security # *(If any)*

	Family Name	First Name	Date, City and Country of Birth (If known)	City and Country of Residence
Father				
Mother (Maiden Name)				

Husband or Wife (If none, so state.)	Family Name (For wife, give maiden name)	First Name	Birth Date (mm/dd/yyyy)	City and Country of Birth	Date of Marriage	Place of Marriage

Former Husbands or Wives (If none, so state) Family Name (For wife, give maiden name)	First Name	Birth Date (mm/dd/yyyy)	Date and Place of Marriage	Date and Place of Termination of Marriage

Applicant's residence last five years. List present address first.				**From**		**To**	
Street and Number	City	Province or State	Country	Month	Year	Month	Year
						Present Time	

Applicant's last address outside the United States of more than one year.				**From**		**To**	
Street and Number	City	Province or State	Country	Month	Year	Month	Year

Applicant's employment last five years. (If none, so state.) List present employment first.		**From**		**To**	
Full Name and Address of Employer	Occupation (Specify)	Month	Year	Month	Year
				Present Time	

Show below last occupation abroad if not shown above. (Include all information requested above.)					

This form is submitted in connection with an application for: ☐ Naturalization ☐ Other (Specify): _____ ☐ Status as Permanent Resident	**Signature of Applicant**	Date
Submit all copies of this form.	If your native alphabet is in other than Roman letters, write your name in your native alphabet below:	

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

Applicant: Be sure to put your name and Alien Registration Number in the box outlined by heavy border below.

Complete This Box (Family Name)	**(Given Name)**	**(Middle Name)**	**(Alien Registration Number)**

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

G-325A, Biographic Information

(Family Name)	(First Name)	(Middle Name)	☐ Male ☐ Female	Birth Date (mm/dd/yyyy)	Citizenship/Nationality	File Number A
All Other Names Used (Including names by previous marriages)			City and Country of Birth			U.S. Social Security # *(If any)*

	Family Name	First Name	Date, City and Country of Birth (If known)	City and Country of Residence
Father				
Mother (Maiden Name)				

Husband or Wife (If none, so state.)	Family Name (For wife, give maiden name)	First Name	Birth Date (mm/dd/yyyy)	City and Country of Birth	Date of Marriage	Place of Marriage

Former Husbands or Wives (If none, so state) Family Name (For wife, give maiden name)	First Name	Birth Date (mm/dd/yyyy)	Date and Place of Marriage	Date and Place of Termination of Marriage

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

Street and Number	City	Province or State	Country	From Month	From Year	To Month	To Year
						Present Time	

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

Street and Number	City	Province or State	Country	From Month	From Year	To Month	To Year

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

Full Name and Address of Employer	Occupation (Specify)	From Month	From Year	To Month	To Year
				Present Time	

Show below last occupation abroad if not shown above. (Include all information requested above.)

This form is submitted in connection with an application for:
☐ Naturalization ☐ Other (Specify): _____
☐ Status as Permanent Resident

Signature of Applicant Date

Submit all copies of this form.

If your native alphabet is in other than Roman letters, write your name in your native alphabet below:

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Applicant: Be sure to put your name and Alien Registration Number in the box outlined by heavy border below.

Complete This Box (Family Name)	**(Given Name)**	**(Middle Name)**	**(Alien Registration Number)**

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

G-325A, Biographic Information

(Family Name)	(First Name)	(Middle Name)	☐ Male ☐ Female	Birth Date (mm/dd/yyyy)	Citizenship/Nationality	File Number A
All Other Names Used (Including names by previous marriages)			City and Country of Birth			U.S. Social Security # *(If any)*

	Family Name	First Name	Date, City and Country of Birth (If known)	City and Country of Residence
Father				
Mother (Maiden Name)				

Husband or Wife (If none, so state.)	Family Name (For wife, give maiden name)	First Name	Birth Date (mm/dd/yyyy)	City and Country of Birth	Date of Marriage	Place of Marriage

Former Husbands or Wives (If none, so state) Family Name (For wife, give maiden name)	First Name	Birth Date (mm/dd/yyyy)	Date and Place of Marriage	Date and Place of Termination of Marriage

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

Street and Number	City	Province or State	Country	From Month	From Year	To Month	To Year
						Present Time	

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

Street and Number	City	Province or State	Country	From Month	From Year	To Month	To Year

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

Full Name and Address of Employer	Occupation (Specify)	From Month	From Year	To Month	To Year
				Present Time	

Show below last occupation abroad if not shown above. (Include all information requested above.)

This form is submitted in connection with an application for:
☐ Naturalization ☐ Other (Specify): _____
☐ Status as Permanent Resident

Signature of Applicant Date

Submit all copies of this form.

If your native alphabet is in other than Roman letters, write your name in your native alphabet below:

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

Applicant: Be sure to put your name and Alien Registration Number in the box outlined by heavy border below.

Complete This Box (Family Name)	**(Given Name)**	**(Middle Name)**	**(Alien Registration Number)**

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

G-325A, Biographic Information

(Family Name)	(First Name)	(Middle Name)	☐ Male ☐ Female	Birth Date (mm/dd/yyyy)	Citizenship/Nationality	File Number A
All Other Names Used (Including names by previous marriages)			City and Country of Birth			U.S. Social Security # *(If any)*

	Family Name	First Name	Date, City and Country of Birth (If known)	City and Country of Residence
Father				
Mother (Maiden Name)				

Husband or Wife (If none, so state.)	Family Name (For wife, give maiden name)	First Name	Birth Date (mm/dd/yyyy)	City and Country of Birth	Date of Marriage	Place of Marriage

Former Husbands or Wives (If none, so state) Family Name (For wife, give maiden name)	First Name	Birth Date (mm/dd/yyyy)	Date and Place of Marriage	Date and Place of Termination of Marriage

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

Street and Number	City	Province or State	Country	From Month	From Year	To Month	To Year
						Present Time	

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

Street and Number	City	Province or State	Country	From Month	From Year	To Month	To Year

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

Full Name and Address of Employer	Occupation (Specify)	From Month	From Year	To Month	To Year
				Present Time	

Show below last occupation abroad if not shown above. (Include all information requested above.)

This form is submitted in connection with an application for: ☐ Naturalization ☐ Other (Specify): _____ ☐ Status as Permanent Resident	**Signature of Applicant**	Date
Submit all copies of this form.	If your native alphabet is in other than Roman letters, write your name in your native alphabet below:	

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

Applicant: Be sure to put your name and Alien Registration Number in the box outlined by heavy border below.

Complete This Box (Family Name)	**(Given Name)**	**(Middle Name)**	**(Alien Registration Number)**

See Instructions on **Page 5**

Instructions

What Is the Purpose of This Form?

Complete this biographical information form and include it with the application or petition you are submitting to U.S. Citizenship and Immigration Services (USCIS).

USCIS will use the information you provide on this form to process your application or petition. Complete and submit all copies of this form with your petition or application.

If you have any questions on how to complete the form, call our National Customer Service Center at **1-800-375-5283**.

Privacy Act Notice.

We ask for the information on this form and associated evidence to determine if you have established eligibility for the immigration benefit you are seeking. Our legal right to ask for this information is in 8 USC 1101 and 1255. We may provide this information to other Government agencies. Failure to provide this information may delay a final decision or result in denial of your application or petition.

Paperwork Reduction Act Notice.

A person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

We try to create forms and instructions that are accurate, can be easily understood and that impose the least possible burden on you to provide us with information. Often this is diffi cult because some immigration laws are very complex.

The estimated average time to gather the requested information, complete the form and include it with the appropriate application or petition for filing purposes is 15 minutes. If you have any comments regarding the accuracy of this estimate or suggestions for making this form simpler, write to U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Avenue, N.W., Washington, D.C. 20529; OMB No. 1615-0008. **Do not send your form to this Washington, D.C. address.**

U.S. Department of State

NONIMMIGRANT VISA APPLICATION

Approved OMB 1405-0018
Expires 11/30/2010
Estimated Burden 1 hour
See Page 2

PLEASE TYPE OR PRINT YOUR ANSWERS IN THE SPACE PROVIDED BELOW EACH ITEM

1. Passport Number

2. Place of Issuance: City | Country | State/Province

3. Issuing Country

4. Issuance Date *(dd-mmm-yyyy)*

5. Expiration Date *(dd-mmm-yyyy)*

6. Surnames *(As in Passport)*

7. First and Middle Names *(As in Passport)*

8. Other Surnames Used *(Maiden, Religious, Professional, Aliases)*

9. Other First and Middle Names Used

10. Date of Birth *(dd-mmm-yyyy)*

11. Place of Birth: City | Country | State/Province

12. Nationality

DO NOT WRITE IN THIS SPACE

B-1/B-2 MAX B-1 MAX B-2 MAX

Other _____ MAX
Visa Classification

Mult or _____
Number of Applications

Months _____
Validity

Issued/Refused

On _____ By _____

Under SEC. 214(b) 221(g)

Other _____ INA

Reviewed By _____

13. Sex
☐ Male
☐ Female

14. National Identification Number *(If applicable)*

15. Home Address *(Include apartment number, street, city, state or province, postal zone and country)*

16. Home Telephone Number | Business Phone Number | Mobile/Cell Number

Fax Number | Business Fax Number | Pager Number

17. Marital Status
☐ Married ☐ Single (Never Married)
☐ Widowed ☐ Divorced ☐ Separated

18. Spouse's Full Name *(Even if divorced or separated. Include maiden name.)*

19. Spouse's DOB *(dd-mmm-yyyy)*

20. Name and Address of Present Employer or School
Name: Address:

21. Present Occupation *(If retired, write "retired". If student, write "student".)*

22. When Do You Intend To Arrive In The U.S.? *(Provide specific date if known)*

23. E-Mail Address

24. At What Address Will You Stay in The U.S.?

G1HW1VP8UB

25. Name and Telephone Numbers of Person in U.S. Who You Will Be Staying With or Visiting for Tourism or Business

Name | Home Phone

Business Phone | Cell Phone

26. How Long Do You Intend To Stay in The U.S.?

27. What is The Purpose of Your Trip?

28. Who Will Pay For Your Trip?

29. Have You Ever Been in The U.S.? ☐ Yes ☐ No

WHEN? _____

FOR HOW LONG? _____

DO NOT WRITE IN THIS SPACE

50 mm x 50 mm

PHOTO

staple or glue photo here

30. Have You Ever Been Issued a U.S. Visa? ☐ Yes ☐ No
WHEN? _____
WHERE? _____
WHAT TYPE OF VISA? _____

31. Have You Ever Been Refused a U.S. Visa? ☐ Yes ☐ No
WHEN? _____
WHERE? _____
WHAT TYPE OF VISA? _____

32. Do You Intend To Work in The U.S.? ☐ Yes ☐ No
(If YES, give the name and complete address of U.S. employer.)

33. Do You Intend To Study in The U.S.? ☐ Yes ☐ No
(If YES, give the name and complete address of the school.)

34. Names and Relationships of Persons Traveling With You

35. Has Your U.S. Visa Ever Been Cancelled or Revoked? ☐ Yes ☐ No

36. Has Anyone Ever Filed an immigrant Visa Petition on Your Behalf? ☐ Yes ☐ No If Yes, Who?

37. Are Any of The Following Persons in The U.S., or Do They Have U.S. Legal Permanent Residence or U.S. Citizenship? Mark YES or NO and indicate that person's status in the U.S. (i.e., U.S. legal permanent resident, U.S. citizen, visiting, studying, working, etc.).

☐ YES ☐ NO Husband/Wife _____ ☐ YES ☐ NO Fiance/Fiancee _____ ☐ YES ☐ NO

☐ YES ☐ NO Father/Mother _____ ☐ YES ☐ NO Son/Daughter _____ Brother/Sister _____

38. IMPORTANT: ALL APPLICANTS MUST READ AND CHECK THE APPROPRIATE BOX FOR EACH ITEM.
A visa may not be issued to persons who are within specific categories defined by law as inadmissible to the United States (except when a waiver is obtained in advance). Is any of the following applicable to you?

- Have you ever been arrested or convicted for any offense or crime, even though subject of a pardon, amnesty or other similar legal action? Have you ever unlawfully distributed or sold a controlled substance (drug), or been a prostitute or procurer for prostitutes? ☐ YES ☐ NO
- Have you ever been refused admission to the U.S., or been the subject of a deportation hearing, or sought to obtain or assist others to obtain a visa, entry into the U.S., or any other U.S. immigration benefit by fraud or willful misrepresentation or other unlawful means? Have you attended a U.S. public elementary school on student (F) status or a public secondary school after November 30, 1996 without reimbursing the school? ☐ YES ☐ NO
- Do you seek to enter the United States to engage in export control violations, subversive or terrorist activities, or any other unlawful purpose? Are you a member or representative of a terrorist organization as currently designated by the U.S. Secretary of State? Have you ever participated in persecutions directed by the Nazi government of Germany; or have you ever participated in genocide? ☐ YES ☐ NO
- Have you ever violated the terms of a U.S. visa, or been unlawfully present in, or deported from, the United States? ☐ YES ☐ NO
- Have you ever withheld custody of a U.S. citizen child outside the United States from a person granted legal custody by a U.S. court, voted in the United States in violation of any law or regulation, or renounced U.S. citizenship for the purpose of avoiding taxation? ☐ YES ☐ NO
- Have you ever been afflicted with a communicable disease of public health significance or a dangerous physical or mental disorder, or ever been a drug abuser or addict? ☐ YES ☐ NO

While a YES answer does not automatically signify ineligibility for a visa, if you answered YES you may be required to personally appear before a consular officer.

39. Was this Application Prepared by Another Person on Your Behalf? ☐ Yes ☐ No
(If answer is YES, then have that person complete item 40.)

40. Application Prepared By:
NAME: _____ Relationship to Applicant: _____
ADDRESS: _____
Signature of Person Preparing Form: _____ DATE *(dd-mmm-yyyy)* _____

41. I certify that I have read and understood all the questions set forth in this application and the answers I have furnished on this form are true and correct to the best of my knowledge and belief. I understand that any false or misleading statement may result in the permanent refusal of a visa or denial of entry into the United States. I understand that possession of a visa does not automatically entitle the bearer to enter the United States of America upon arrival at a port of entry if he or she is found inadmissible.

APPLICANT'S SIGNATURE _____ DATE *(dd-mmm-yyyy)* _____

Privacy Act and Paperwork Reduction Act Statements

INA Section 222(f) provides that visa issuance and refusal records shall be considered confidential and shall be used only for the formulation, amendment, administration, or enforcement of the immigration, nationality, and other laws of the United States. Certified copies of visa records may be made available to a court which certifies that the information contained in such records is needed in a case pending before the court.

Public reporting burden for this collection of information is estimated to average 1 hour per response, including time required for searching existing data sources, gathering the necessary data, providing the information required, and reviewing the final collection. You do not have to provide the information unless this collection displays a currently valid OMB number. Send comments on the accuracy of this estimate of the burden and recommendations for reducing it to: U.S. Department of State, A/RPS/DIR, Washington, DC 20520.

U.S. Department of State
SUPPLEMENT TO
NONIMMIGRANT VISA APPLICATION

PLEASE BE SURE TO SUBMIT THIS PAGE WITH THE REST OF YOUR APPLICATION

DO NOT MARK OR WRITE IN THIS SPACE

Barcode Number: G1HW1VP8UB

29. Additional Visits to the U.S.:
30. Additional Visa Issuances:
31. Additional Visa Refusals:

U.S. Department of State

SUPPLEMENTAL NONIMMIGRANT VISA APPLICATION

Approved OMB 1405-0134
Expires 09/30/2008
Estimated Burden 1 Hour*

PLEASE TYPE OR PRINT YOUR ANSWERS IN THE SPACE PROVIDED BELOW EACH ITEM
PLEASE ATTACH AN ADDITIONAL SHEET IF YOU NEED MORE SPACE TO CONTINUE YOUR ANSWERS

1. Last Name(s) *(List all Spellings)*	2. First Name(s) *(List all Spellings)*	3. Full Name *(In Native Alphabet)*

4. Clan or Tribe Name *(If Applicable)*	5. Spouse's Full Name *(If Married)*
6. Father's Full Name	7. Mother's Full Name

8. Full Name and Address of Contact Person or Organization in the United States *(Include Telephone Number)*

9. List All Countries You have Entered in the Last Ten Years *(Give the Year of Each Visit)*	10. List All Countries That Have Ever Issued You a Passport	11. Have you ever lost a passport or had one stolen? ☐ Yes ☐ No

12. Not Including Current Employer, List Your Last Two Employers

Name	Address	Telephone Number	Job Title	Supervisor's Name	Dates of Employment

13. List all Professional, Social and Charitable Organizations to Which You Belong (Belonged) or Contribute (Contributed) or with Which You Work (Have Worked).	14. Do you have any specialized skills or training, including firearms, explosives, nuclear, biological, or chemical experience? ☐ Yes ☐ No If YES, please explain

15. Have you ever performed military service? ☐ Yes ☐ No If yes, give name of country, branch of service, rank/position, military specialty, and dates of service.

16. Have you ever been in an armed conflict, either as a participant or victim? ☐ Yes ☐ No If YES, please explain.

17. List all educational institutions you attend or have attended. Include vocational institutions but not elementary schools.

Name of Institution	Address/Telephone Number	Course of Study	Dates of Attendance

18. Have you made specific travel arrangements? ☐ Yes ☐ No If YES, please provide a complete itinerary for your travel, including arrival/departure dates, flight information, specific location you will visit, and a point of contact at each location.

Paperwork Reduction Act Statement

*Public reporting burden for this collection of information is estimated to average 1 hour per response, including time required for searching existing data sources, gathering the necessary data, providing the information required, and reviewing the final collection. You do not have to provide the information unless this collection displays a currently valid OMB number. Send comments on the accuracy of this estimate of the burden and recommendations for reducing it to: U.S. Department of State, A/RPS/DIR, Washington, DC 20520.

OMB APPROVAL NO.1405-0096
EXPIRES: 09/30/2010
ESTIMATED BURDEN: 1 HOUR*

U.S. Department of State

NONIMMIGRANT FIANCÉ(E) VISA APPLICATION

USE WITH FORM DS-156

The following questions must be answered by all applicants for visas to enter the United States as the fiancée or fiancé of a U.S. citizen in order that a determination may be made as to visa eligibility.
This form, together with Form DS-156, Nonimmigrant Visa Application, completed in duplicate, constitutes the complete application for a "K" Fiancé(e) Nonimmigrant Visa authorized under Section 222(c) of the Immigration and Nationality Act.

1. Family Name | First Name | Middle Name

2. Date of Birth *(mm-dd-yyyy)* | 3. Place of Birth *(City, Province, Country)*

4. Marital Status
If you are now married or were previously married, answer the following:
a. Name of Spouse _____
b. Date *(mm-dd-yyyy)* and Place of Marriage _____ _____
c. How and When was Marriage Terminated _____
d. If presently married, how will you marry your U.S. citizen fiancé(e)? Explain*

* **NOTE** If presently married to anyone, you are **not** eligible for a fiancé(e) visa.

5. List name, date and place of birth of all unmarried children under 21 years of age.

Name	Birth Date *(mm-dd-yyyy)*	Birth Place	Will Accompany You Yes	Will Accompany You No	Will Follow You Yes	Will Follow You No
			☐	☐	☐	☐
			☐	☐	☐	☐
			☐	☐	☐	☐
			☐	☐	☐	☐
			☐	☐	☐	☐

THE FOLLOWING DOCUMENTS MUST BE ATTACHED IN ORDER TO APPLY FOR A FIANCE(E) NONIMMIGRANT VISA.

- Your Birth Certificate
- Birth Certificates of All Children Listed in Number Five
- Death Certificate of Spouse *(if any)*
- Marriage Certificate *(if any)*
- Divorce Decree *(if any)*
- Police Certificates
- Evidence of Engagement to Your Fiancé(e)
- Evidence of Financial Support

NOTE All of the above documents will also be required by U.S. Citizenship and Immigration Services (USCIS) when you apply for adjustment of status to lawful permanent resident. The USCIS will accept these documents for that purpose.

DO NOT WRITE BELOW THIS LINE
The consular officer will assist you in answering this part.

I understand that I am required to submit my visa to the United States Immigration Officer at the place where I apply to enter the United States, and that the possession of a visa does not entitle me to enter the United States if at that time I am found to be inadmissible under the immigration laws. I further understand that my adjustment of status to permanent resident alien is dependent upon marriage to a U.S. citizen and upon meeting all of the requirements of the U.S. Department of Homeland Security.

I understand that any willfully false or misleading statement or willful concealment of a material fact made by me herein may subject me to permanent exclusion from the United States and, if I am admitted to the United States, may subject me to criminal prosecution and/or deportation.

I hereby certify that I am legally free to marry and intend to marry _____, a U.S. citizen, within 90 days of my admission into the United States.

I do solemnly swear or affirm that all statements which appear in this application have been made by me and are true and complete to the best of my knowledge and belief.

_____
Signature of Applicant

Subscribed and sworn to before me this _____ day of _____, _____ at: _____

_____
United States Consular Officer

*Public reporting burden for this collection of information is estimated to average one hour per response, including time required for searching existing data sources, gathering the necessary data, providing the information required, and reviewing the final collection. In accordance with 5 CFR 1320 5(b), persons are not required to respond to the collection of this information unless this form displays a currently valid OMB control number. Send comments on the accuracy of this estimate of the burden and recommendations for reducing it to: U.S. Department of State (A/ISS/DIR) Washington, DC 20520.

Petition for Alien Relative

Purpose of Form :

For citizen or lawful permanent resident of the United States to establish the relationship to certain alien relatives who wish to immigrate to the United States. Note: A separate form must be filed for each eligible relative. USCIS processes Form I-130, Petition for Alien Relative, as a visa number becomes available. Filing and approval of an I-130 is only the first step in helping a relative immigrate to the United States. Eligible family members must wait until there is a visa number available before they can apply for an immigrant visa or adjustment of status to a lawful permanent resident.

Number of Pages :

Instructions: 5; Form: 2.

Edition Date :

01/31/08. Previous editions accepted.

Where to File :

All petitioners filing stand-alone Form I-130 must submit their petitions to the Chicago Lockbox instead of a USCIS Service Center. Form I-130 petitions filed with the Chicago Lockbox will be routed to, and adjudicated at, the appropriate USCIS Service Center. This routing will be based on the petitioner's place of residence in the United States.
Important: Any Form I-130 filed at an incorrect location will be rejected.

Petitioners who reside in AK, AZ, CA, CO, Guam, HI, ID, IL, IN, IA, KS, MI, MN, MS, MT, NE, NV, ND, OH, OR, SD, UT, WA, WI, or WY must file their stand-alone Form I-130s with the Lockbox using the following address:
USCIS
P.O. Box 804625
Chicago, IL 60680-1029

Petitioners who reside in AL, AR, CT, DL, FL, GA, KY, LA, ME, MD, MA, NH, NJ, NM, NY, NC, OK, PA, Puerto Rico, RI, SC, TN, TX, VT, VA, U.S. Virgin Islands, WV, or District of Columbia must file their stand-alone Form I-130 with the Lockbox using the following address:
USCIS
P.O. Box 804616
Chicago, IL 60680-1029

Any U.S. resident petitioner submitting a completed I-130 by private courier (non-USPS), should use the following address:
USCIS Lockbox
427 S. LaSalle St.
Chicago, IL 60605

Note: Applicants who reside in the jurisdiction of the Baltimore, MD USCIS District Office need to file their concurrent Form I-130/Form I-485 package with the Chicago Lockbox according to the filing instructions on Form I-485 for family-based adjustment of status applicants.

Filing Fee :

$355

Special Instructions :

- Download Instructions for Form I-130 (176KB PDF)
- Download I-130 (893KB PDF)

Last updated: 02/19/2008

OMB #1615-0012; Expires 01/31/11

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

Instructions for I-130, Petition for Alien Relative

Instructions

Please read these instructions carefully to properly complete this form. If you need more space to complete an answer, use a separate sheet(s) of paper. Write your name and Alien Registration Number (A #), if any, at the top of each sheet of paper and indicate the part and number of the item to which the answer refers. If you do not follow the instructions, U.S. Citizenship and Immigration Services (USCIS) may have to return your petition, which may delay final action. The filing addresses provided on this form reflect the most current information as of the date this form was last printed. If you are filing Form I-130 more than 30 days after the latest edition date shown in the lower right-hand corner, please visit our website online at **www.uscis.gov** before you file, and check the Immigration Forms page to confirm the correct filing address and version currently in use. Check the edition date located in the lower right-hand corner of the form. If the edition date on your Form I-130 matches the edition date listed for Form I-130 on the online Immigration Forms page, your version is current and will be accepted by USCIS. If the edition date on the online version is later, download a copy and use the online version. If you do not have Internet access, call the National Customer Service Center at 1-800-375-5283 to verify the current filing address and edition date. **Improperly filed forms will be rejected, and the fee returned, with instructions to resubmit the entire filing using the current form instructions.**

What Is the Purpose of This Form?

A citizen or lawful permanent resident of the United States may file this form with U.S. Citizenship and Immigration Services (USCIS) to establish the existence of a relationship to certain alien relatives who wish to immigrate to the United States.

Who May File Form I-130?

1. If you are a U.S.citizen you must file a separate Form I-130 for each eligible relative. You may file a Form I-130 for:

   A. Your husband or wife;
   B. Your unmarried child under age 21;
   C. Your unmarried son or daughter age 21 or older;
   D. Your married son or daughter of any age;
   E. Your brother(s) or sister(s) (you must be age 21 or older);
   F. Your mother or father (you must be age 21 or older).

2. If you are a lawful permanent resident of United States, you may file this form for:

   A. Your husband or wife;
   B. Your unmarried child under age 21;
   C. Your unmarried son or daughter age 21 or older.

NOTE:

1. There is no visa category for married children of permanent residents. If an unmarried son or daughter of a permanent resident marries before the permanent resident becomes a U.S. citizen, any petition filed for that son or daughter will be automatically revoked.

2. If your relative qualifies under paragraph **1(C), 1(D),** or **1(E)** above, separate petitions are not required for his or her husband or wife or unmarried children under 21 years of age.

3. If your relative qualifies under paragraph **2(B)** or **2(C)** above, separate petitions are not required for his or her unmarried children under 21 years of age.

4. The persons described in number 2 and 3 of the above **NOTE** will be able to apply for an immigrant visa along with your relative.

Who May Not File This Form I-130?

You may not file for a person in the following categories:

1. An adoptive parent or adopted child, if the adoption took place after the child's 16th birthday, or if the child has not been in the legal custody and living with the parent(s) for at least two years.

2. A natural parent, if the U.S. citizen son or daughter gained permanent residence through adoption.

3. A stepparent or stepchild, if the marriage that created the relationship took place after the child's 18th birthday.

4. A husband or wife, if you and your spouse were not both physically present at the marriage ceremony, and the marriage was not consummated.

5. A husband or wife, if you gained lawful permanent resident status by virtue of a prior marriage to a U. S. citizen or lawful permanent resident, unless:

   A. A period of five years has elapsed since you became a lawful permanent resident; or

   B. You can establish by clear and convincing evidence that the prior marriage through which you gained your immigrant status was not entered into for the purpose of evading any provision of the immigration laws; or

   C. Your prior marriage through which you gained your immigrant status was terminated by the death of your former spouse.

6. A husband or wife, if you married your husband or wife while your husband or wife was the subject of an exclusion, deportation, removal, or rescission proceeding regarding his or her right to be admitted into or to remain in the United States, or while a decision in any of these proceedings was before any court on judicial review, unless:

   You prove by clear and convincing evidence that the marriage is legally valid where it took place, **and** that you and your husband or wife married in good faith and not for the purpose of procuring the admission of your husband or wife as an immigrant, **and** that no fee or any other consideration (other than appropriate attorney fees) was given for your filing of this petition **OR**

   Your husband or wife has lived outside the United States, after the marriage, for a period of at least two years.

7. A husband or wife, if it has been legally determined that such an alien has attempted or conspired to enter into a marriage for the purpose of evading the immigration laws.

8. A grandparent, grandchild, nephew, niece, uncle, aunt, cousin, or in-law.

General Instructions

Step 1. Fill Out Form I-130

1. Type or print legibly in black ink.

2. If extra space is needed to complete any item, attach a continuation sheet, indicate the item number, and date and sign each sheet.

3. Answer all questions fully and accurately. State that an item is not applicable with "N/A." If the answer is none, write "none."

Translations. Any foreign language document must be accompanied by a full English translation that the translator has certified as complete and correct, and by the translator's certification that he or she is competent to translate the foreign language into English.

Copies. If these instructions state that a copy of a document may be filed with this petition, submit a copy. If you choose to send the original, USCIS may keep that original for our records. If USCIS requires the original, it will be requested.

What Documents Do You Need to Show That You Are a U.S. Citizen?

1. If you were born in the United States, a copy of your birth certificate, issued by a civil registrar, vital statistics office, or other civil authority.

2. A copy of your naturalization certificate or certificate of citizenship issued by USCIS or the former INS.

3. A copy of Form FS-240, Report of Birth Abroad of a Citizen of the United States, issued by a U.S. Embassy or consulate.

4. A copy of your unexpired U.S. passport; or

5. An original statement from a U.S. consular officer verifying that you are a U.S. citizen with a valid passport.

6. If you do not have any of the above documents and you were born in the United States, see instructions under **Page 3, "What If a Document Is Not Available?"**

What Documents Do You Need to Show That You Are a Permanent Resident?

If you are a permanent resident, you must file your petition with a copy of the front and back of your permanent resident card. If you have not yet received your card, submit copies of your passport biographic page and the page showing admission as a permanent resident, or other evidence of permanent resident status issued by USCIS or the former INS.

What Documents Do You Need to Prove Family Relationship?

You have to prove that there is a family relationship between you and your relative. If you are filing for:

1. **A husband or wife,** submit the following documentation:

   A. A copy of your marriage certificate.

   B. If either you or your spouse were previously married, submit copies of documents showing that all prior marriages were legally terminated.

   C. A passport-style color photo of yourself and a passport-style color photo of your husband or wife, taken within 30 days of the date of this petition. The photos must have a white background and be glossy unretouched and not mounted. The dimensions of the full frontal facial image should be about 1 inch from the chin to top of the hair. Using pencil or felt pen, lightly print the name (and Alien Registration Number, if known) on the back of each photograph.

   D. A completed and signed Form G-325A, Biographic Information, for you and a Form G-325A for your husband or wife. Except for your name and signature you do not have to repeat on Form G-325A the information given on your Form I-130 petition.

NOTE: In addition to the required documentation listed above, you should submit one or more of the following types of documentation that may evidence that bona fides of your marriage:

   E. Documentation showing joint ownership or property; or

   F. A lease showing joint tenancy of a common residence; or

   G. Documentation showing co-mingling of financial resources; or

   H. Birth certificate(s) of child(ren) born to you, the petitioner, and your spouse together; or

   I. Affidavits sworn to or affirmed by third parties having personal knowledge of the bona fides of the marital relationship. (Each affidavit must contain the full name and address, date and place of birth of the person making the affidavit, his or her relationship to the petitioner of beneficiary, if any, and complete information and details explaining how the person acquired his or her knowledge of your marriage); or

   J. Any other relevant documentation to establish that there is an ongoing marital union.

NOTE: If you married your husband or wife while your husband or wife was the subject of an exclusion, deportation, removal, or rescission proceeding (including judicial review of the decision in one of these proceedings), this evidence must be sufficient to establish the bona fides or your marriage by clear and convincing evidence.

2. **A child and you are the mother:** Submit a copy of the child's birth certificate showing your name and the name of your child.

3. **A child and you are the father:** Submit a copy of the child's birth certificate showing both parents' names and your marriage certificate.

4. **A child born out of wedlock and you are the father**: If the child was not legitimated before reaching 18 years old, you must file your petition with copies of evidence that a bona fide parent-child relationship existed between the father and the child before the child reached 21 years. This may include evidence that the father lived with the child, supported him or her, or otherwise showed continuing parental interest in the child's welfare.

5. **A brother or sister:** Submit a copy of your birth certificate and a copy of your brother's or sister's birth certificate showing that you have at least one common parent. If you and your brother or sister have a common father but different mothers, submit copies of the marriage certificates of the father to each mother and copies of documents showing that any prior marriages of either your father or mothers were legally terminated. If you and your brother or sister are related through adoption or through a stepparent, or if you have a common father and either of you were not legitimated before your 18th birthday, see also **8** and **9** below.

6. **A mother:** Submit a copy of your birth certificate showing your name and your mother's name.

7. **A father:** Submit a copy of your birth certificate showing the names of both parents. Also give a copy of your parents' marriage certificate establishing that your father was married to your mother before you were born, and copies of documents showing that any prior marriages of either your father or mother were legally terminated. If you are filing for a stepparent or adoptive parent, or if you are filing for your father and were not legitimated before your 18th birthday, also see **4, 8,** and **9**.

8. **Stepparent/Stepchild:** If your petition is based on a stepparent-stepchild relationship, you must file your petition with a copy of the marriage certificate of the stepparent to the child's natural parent showing that the marriage occurred before the child's 18th birthday, copies of documents showing that any prior marriages were legally terminated and a copy of the stepchild's birth certificate.

9. **Adoptive parent or adopted child:** If you and the person you are filing for are related by adoption, you must submit a copy of the adoption decree(s) showing that the adoption took place before the child became 16 years old.

If you adopted the sibling of a child you already adopted, you must submit a copy of the adoption decree(s) showing that the adoption of the sibling occurred before that child's 18th birthday.

In either case, you must also submit copies of evidence that each child was in the legal custody of and resided with the parent(s) who adopted him or her for at least two years before or after adoption. Legal custody may only be granted by a court or recognized government entity and is usually granted at the time of the adoption is finalized. However, if legal custody is granted by a court or recognized government agency prior to the adoption, that time may count to fulfill the two-year legal custody requirement.

What If Your Name Has Changed?

If either you or the person you are filing for is using a name other than shown on the relevant documents, you must file your petition with copies of the legal documents that effected the change, such as a marriage certificate, adoption decree or court order.

What If a Document Is Not Available?

In such situation, submit a statement from the appropriate civil authority certifying that the document or documents are not available. You must also submit secondary evidence, including:

A. **Church record:** A copy of a document bearing the seal of the church, showing the baptism, dedication or comparable rite occurred within two months after birth, and showing the date and place of the child's birth, date of the religious ceremony and the names of the child's parents.

B. **School record:** A letter from the authority (preferably the first school attended) showing the date of admission to the school, the child's date of birth or age at that time, place of birth, and names of the parents.

C. **Census record:** State or Federal census record showing the names, place of birth, date of birth, or the age of the person listed.

D. **Affidavits:** Written statements sworn to or affirmed by two persons who were living at the time and who have personal knowledge of the event you are trying to prove. For example, the date and place of birth, marriage or death. The person making the affidavit does not have to be a U.S. citizen. Each affidavit should contain the following information regarding the person making the affidavit: his or her full name, address, date and place of birth, and his or her relationship to you, if any, full information concerning the event, and complete details explaining how the person acquired knowledge of the event.

Where To File?

If you reside in the United States, file the I-130 form at the Lockbox according to following instructions:

If you are the petitioner and you reside in Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin, or Wyoming and you are filing only Form I-130, mail the petition to the USCIS Lockbox Facility. The address is as follows:

USCIS
P.O. Box 804625
Chicago, IL 60680-1029

If you are the petitioner and you reside in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, U.S. Virgin Islands, West Virginia, or District of Columbia and you are filing only Form I-130, mail the petition to the USCIS Lockbox Facility. The address is as follows:

USCIS
P.O. Box 804616
Chicago, IL 60680-1029

NOTE: If the Form I-130 petition is being filed concurrently with Form I-485, Application to Register Permanent Residence or Adjust Status, submit both forms concurrently to:

U.S. Citizenship and Immigration Services
P.O. Box 805887
Chicago, IL 60680-4120

For private couriers (non USPS) deliveries:

U.S. Citizenship and Immigration Services
Attn: FBASI
427 S. LaSalle - 3rd Floor
Chicago, IL 60605-1098

Petitioners residing abroad: If you live in Canada, file your petition at the Vermont Service Center. **Exception:** If you are a U.S. citizen residing in Canada, and you are petitioning for your spouse, child, or parent, you may file the petition at the nearest U.S. Embassy or consulate, except for those in Quebec City. If you reside elsewhere outside the United States file, your relative petition at the USCIS office overseas or the U.S. Embassy or consulate having jurisdiction over the area where you live. For further information, contact the nearest U.S. Embassy or consulate.

What Is the Filing Fee?

The filing fee for a Form is **$355.**

Use the following guidelines when you prepare your check or money order for Form I-130:

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 check or money order payable to **U.S. Department of Homeland Security**, unless:
   - **A.** If you live in Guam and are filing your petition there, make it payable to **Treasurer, Guam.**
   - **B.** If you live in the U.S. Virgin Islands and are filing your petition there, make it payable to **Commissioner of Finance of the Virgin Islands.**
   - **C.** If you live outside the United States, Guam, or the U.S. Virgin Islands, contact the nearest U.S. Embassy or consulate for instructions on the method of payment.

NOTE: Please spell out U.S. Department of Homeland Security; do not use the initials "USDHS" or "DHS."

How to Check If the Fees Are Correct

The form fee on this form is current as of the edition date appearing in the lower right corner of this page. However, because USCIS fees change periodically, you can verify if the fees are correct by following one of the steps below:

1. Visit our website at **www.uscis.gov**, select "Immigration Forms," and check the appropriate fee;
2. Review the fee schedule included in your form package, if you called us to request the form, or
3. Telephone our National Customer Service Center at **1-800-375-5283** and ask for the fee information.

When Will a Visa Become Available?

When a petition is approved for the husband, wife, parent, or unmarried minor child of a United States citizen, these persons are classified as immmediate relatives. They do not have to wait for a visa number because immediate relatives are not subject to the immigrant visa limit.

For alien relatives in preference categories, a limited number of immigrant visas are issued each year. The visas are processed in the order in which the petitions are properly filed and accepted by USCIS. To be considered properly filed, a petition must be fully completed and signed, and the fee must be paid.

For a monthly report on the dates when immigrant visas are available, call the **U.S. Department of State** at **(202) 663-1541,** or visit: www.travel.state.gov.

Address Changes

If you change your address and you have an application or petition pending with USCIS, you may change your address online at **www.uscis.gov**, click on "Change your address with USCIS," and follow the prompts. Or you may complete and mail Form AR-11, Alien's Change of Address Card, to:

U.S. Citizenship and Immigration Services
Change of Address
P.O. Box 7134
London, KY 40742-7134

For commercial overnight or fast freight services only, mail to:

U.S. Citizenship and Immigration Services
Change of Address
1084-I South Laurel Road
London, KY 40744

Notice to Persons Filing for Spouses, If Married Less Than Two Years

Pursuant to section 216 of the Immigration and Nationality Act, your alien spouse may be granted conditional permanent resident status in the United States as of the date he or she is admitted or adjusted to conditional status by a USCIS officer. Both you and your conditional resident spouse are required to file Form I-751, Joint Petition to Remove Conditional Basis of Alien's Permanent Resident Status, during the 90-day period immediately before the second anniversary of the date your alien spouse was granted conditional permanent resident status.

Otherwise, the rights, privileges, responsibilites, and duties that apply to all other permanent residents apply equally to a conditional permanent resident. A conditional permanent resident is not limited to the right to apply for naturalization, file petitions on behalf of qualifying relatives, or reside permanently in the United States as an immigrant in accordance with our Nation's immigration laws.

NOTE: Failure to file the Form I-751 joint petition to remove the conditional basis of the alien spouse's permanent resident status will result in the termination of his or her permanent resident status and initiation of removal proceedings.

Processing Information

Acceptance. Any I-130 petition that is not properly signed or accompanied by the correct fee will be rejected with a notice that the petition is deficient. You may correct the deficiency and resubmit the petition. However, a rejected petition does not retain a filing date. A petition is not considered properly filed until accepted by USCIS.

Initial Processing. Once the petition has been accepted, it will be checked for completeness, including submission of the required initial evidence. If you do not completely fill out the form or file it without the required initial evidence, you will not establish a basis for eligibility, and USCIS may deny your petition.

Requests for More Information. We may request more information or evidence, or we may request that you appear at a USCIS office for an interview. We may also request that you submit the originals of any copy. We will return these originals when they are no longer needed.

Decision. The decision on Form I-130 involves a determination of whether you have established eligibility for the requested benefit. You will be notified of the decision in writing.

USCIS Forms and Information

To order USCIS forms, call our toll-free number at **1-800-870-3676**. You can also get USCIS forms and information on immigration laws, regulations, and procedures by telephoning our National Customer Service Center at **1-800-375-5283** or visiting our internet website at **www.uscis.gov**.

As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our internet-based system, **InfoPass**. To access the system, visit our website. Use the **InfoPass** appointment scheduler and follow the screen prompts to set up your appointment. **InfoPass** generates an electronic appointment notice that appears on the screen.

Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with this request, we will deny the benefit you are filing for, and may deny any other immigration benefit.

In addition, you will face severe penalties provided by law, and may be subject to criminal prosecution.

Privacy Act Notice

We ask for the information on this form, and associated evidence, to determine if you have established eligibility for the immigration benefit for which you are filing. Our legal right to ask for this information is in 8 U.S.C. 1255. We may provide this information to other government agencies. Failure to provide this information, and any requested evidence, may delay a final decision or result in denial of your request.

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 OMB control number. The public reporting burden for this collection of information is estimated at 90 minutes per response, including the time for reviewing instructions and completing and submitting the form. 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, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529. OMB No. 1615-0012. **Do not mail your application to this address.**

Checklist

- Did you answer each question on the Form I-130 petition?
- Did you sign and date the petition?
- Did you enclose the correct filing fee for each petition?
- Did you submit proof of your U.S. citizenship or lawful permanent residence?
- Did you submit other required supporting evidence?

If you are filing for your husband or wife, did you include:

- His or her photograph?
- Your completed Form G-325A?
- His or her Form G-325A?

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

OMB #1615-0012; Expires 01/31/11

I-130, Petition for Alien Relative

DO NOT WRITE IN THIS BLOCK - FOR USCIS OFFICE ONLY

A#

Section of Law/Visa Category
- ☐ 201(b) Spouse - IR-1/CR-1
- ☐ 201(b) Child - IR-2/CR-2
- ☐ 201(b) Parent - IR-5
- ☐ 203(a)(1) Unm. S or D - F1-1
- ☐ 203(a)(2)(A)Spouse - F2-1
- ☐ 203(a)(2)(A) Child - F2-2
- ☐ 203(a)(2)(B) Unm. S or D - F2-4
- ☐ 203(a)(3) Married S or D - F3-1
- ☐ 203(a)(4) Brother/Sister - F4-1

Action Stamp

Fee Stamp

Petition was filed on: _____ (priority date)
- ☐ Personal Interview
- ☐ Pet. ☐ Ben. " A" File Reviewed
- ☐ Field Investigation
- ☐ 203(a)(2)(A) Resolved
- ☐ Previously Forwarded
- ☐ I-485 Filed Simultaneously
- ☐ 204(g) Resolved
- ☐ 203(g) Resolved

Remarks:

A. Relationship

You are the petitioner. Your relative is the beneficiary.

1. I am filing this petition for my: ☐ Husband/Wife ☐ Parent ☐ Brother/Sister ☐ Child

2. Are you related by adoption? ☐ Yes ☐ No

3. Did you gain permanent residence through adoption? ☐ Yes ☐ No

B. Information about you

1. Name (Family name in CAPS) (First) (Middle)

2. Address (Number and Street) (Apt. No.)

(Town or City) (State/Country) (Zip/Postal Code)

3. Place of Birth (Town or City) (State/Country)

4. Date of Birth

5. Gender ☐ Male ☐ Female

6. Marital Status ☐ Married ☐ Single ☐ Widowed ☐ Divorced

7. Other Names Used (including maiden name)

8. Date and Place of Present Marriage (if married)

9. U.S. Social Security Number (If any)

10. Alien Registration Number

11. Name(s) of Prior Husband(s)/Wive(s)

12. Date(s) Marriage(s) Ended

13. If you are a U.S. citizen, complete the following:

My citizenship was acquired through (check one):
- ☐ Birth in the U.S.
- ☐ Naturalization. Give certificate number and date and place of issuance.

☐ Parents. Have you obtained a certificate of citizenship in your own name?
☐ Yes. Give certificate number, date and place of issuance. ☐ No

14. If you are a lawful permanent resident alien, complete the following:

Date and place of admission for or adjustment to lawful permanent residence and class of admission.

14b. Did you gain permanent resident status through marriage to a U.S. citizen or lawful permanent resident?
☐ Yes ☐ No

C. Information about your relative

1. Name (Family name in CAPS) (First) (Middle)

2. Address (Number and Street) (Apt. No.)

(Town or City) (State/Country) (Zip/Postal Code)

3. Place of Birth (Town or City) (State/Country)

4. Date of Birth

5. Gender ☐ Male ☐ Female

6. Marital Status ☐ Married ☐ Single ☐ Widowed ☐ Divorced

7. Other Names Used (including maiden name)

8. Date and Place of Present Marriage (if married)

9. U.S. Social Security Number (If any)

10. Alien Registration Number

11. Name(s) of Prior Husband(s)/Wive(s)

12. Date(s) Marriage(s) Ended

13. Has your relative ever been in the U.S.? ☐ Yes ☐ No

14. If your relative is currently in the U.S., complete the following:
He or she arrived as a:
(visitor, student, stowaway, without inspection, etc.)

Arrival/Departure Record (I-94) **Date arrived**

Date authorized stay expired, or will expire, as shown on Form I-94 or I-95

15. Name and address of present employer (if any)

Date this employment began

16. Has your relative ever been under immigration proceedings?
☐ No ☐ Yes Where _____ When _____
☐ Removal ☐ Exclusion/Deportation ☐ Rescission ☐ Judicial Proceedings

INITIAL RECEIPT _____ RESUBMITTED _____ RELOCATED: Rec'd _____ Sent _____ COMPLETED: Appv'd _____ Denied _____ Ret'd _____

C. Information about your alien relative (continued)

17. List husband/wife and all children of your relative.

(Name) (Relationship) (Date of Birth) (Country of Birth)

18. Address in the United States where your relative intends to live.

(Street Address) (Town or City) (State)

19. Your relative's address abroad. (Include street, city, province and country) Phone Number (if any)

20. If your relative's native alphabet is other than Roman letters, write his or her name and foreign address in the native alphabet.

(Name) Address (Include street, city, province and country):

21. If filing for your husband/wife, give last address at which you lived together. (Include street, city, province, if any, and country):

From: **To:**

22. Complete the information below if your relative is in the United States and will apply for adjustment of status.

Your relative is in the United States and will apply for adjustment of status to that of a lawful permanent resident at the USCIS office in:

If your relative is not eligible for adjustment of status, he or she will apply for a visa abroad at the American consular post in:

(City) (State) (City) (Country

NOTE: Designation of an American embassy or consulate outside the country of your relative's last residence does not guarantee acceptance for processing by that post. Acceptance is at the discretion of the designated embassy or consulate.

D. Other information

1. If separate petitions are also being submitted for other relatives, give names of each and relationship.

2. Have you ever before filed a petition for this or any other alien? ☐ Yes ☐ No

If "Yes," give name, place and date of filing and result.

WARNING: USCIS investigates claimed relationships and verifies the validity of documents. USCIS seeks criminal prosecutions when family relationships are falsified to obtain visas.

PENALTIES: By law, you may be imprisoned for not more than five years or fined $250,000, or both, for entering into a marriage contract for the purpose of evading any provision of the immigration laws. In addition, you may be fined up to $10,000 and imprisoned for up to five years, or both, for knowlingly and willfully falsifying or concealing a material fact or using any false document in submitting this petition.

YOUR CERTIFICATION: I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Furthermore, I authorize the release of any information from my records that the U.S. Citizenship and Immigration Services needs to determine eligiblity for the benefit that I am seeking.

E. Signature of petitioner.

Date Phone Number ( )

F. Signature of person preparing this form, if other than the petitioner.

I declare that I prepared this document at the request of the person above and that it is based on all information of which I have any knowledge.

Print Name Signature Date

Address **G-28 ID or VOLAG Number, if any.**

How Do I Get A Work Permit (Employment Authorization Document - EAD)?

How Do I Get a Work Permit (Employment Authorization Document)?

What is an Employment Authorization Document?
U.S. employers must check to make sure all employees, regardless of citizenship or national origin, are allowed to work in the United States. If you are not a citizen or a lawful permanent resident, you may need to apply for an Employment Authorization Document (EAD) to prove you may work in the United States.

USCIS issues Employment Authorization Documents (EAD) in the following categories:

- EAD: This document proves you are allowed to work in the United States.
- Renewal EAD: You cannot file more than 120 days before your original employment authorization expires.
- Replacement EAD: This document replaces a lost, stolen, or mutilated EAD. A replacement EAD also replaces an EAD that was issued with incorrect information, such as a misspelled name.

What Does the Law Say?
The Immigration and Nationality Act is a law that governs the admission of all persons to the United States. For the part of the law about Employment Authorization Documents, please see INA § 274A. The Code of Federal Regulations [CFR] discusses the employment authorization responsibilities of both employers and employees at 8 CFR § 274a.

Who is Eligible?

- The specific categories that *require* an Employment Authorization Document include (but are not limited to) asylees and asylum seekers; refugees; students seeking particular types of employment; applicants to adjust to permanent residence status; people in or applying for temporary protected status; fiancés of American citizens; and dependents of foreign government officials. Please see Form I-765 (Application for Employment Authorization) for a *complete* list of the categories of people who must apply for an Employment Authorization Document to be able to work in the United States.
- If you are a U.S. citizen, you do *not* need an Employment Authorization Document.
- If you are a lawful permanent resident or a conditional permanent resident, you do *not* need an Employment Authorization Document. Your Alien Registration Card proves that you may work in the United States.
- If you are authorized to work for a *specific* employer, such as a foreign government, you do *not* need an Employment Authorization Document. Your passport and your Form I-94 (Arrival-Departure Record) proves that you may work in the United States. Please see 8 CFR 274a.12(b), which provides a full list of the categories of people who do *not* need to apply for an EAD.

How Do I Apply?
You may be eligible to file Form I-765 electronically. Please see our Introduction to E-Filing USCIS Forms for more information. The procedures for forms electronically filed with USCIS are different than described in the following paragraphs. If you are not eligible for electronic filing,you must file an Form I-765 (Application for Employment Authorization) by mail with the USCIS Regional Service Center that serves the area where you live. Please read the entire application carefully and submit the right documents, photos, and fee. Forms are available by calling 1-800-870-3676, or by submitting a request through our forms by mail system. For further information on filing fees, please see USCIS filing fees, fee waiver request procedures, and the USCIS fee waiver policy memo. Please see our USCIS Field Offices Homepage for more information on USCIS Service Centers.

How Can I Check the Status of My Application?
Please see our information on checking the status of your application . Please click here for more information on USCIS field offices.

How Can I Appeal?
If your application for an Employment Authorization Document is denied, you will receive a letter that will tell you why the application was denied. You will not be allowed to appeal a negative decision to a *higher* authority. However, you may submit a **motion to reopen** or a **motion to reconsider** with the office that made the unfavorable decision. By filing these motions, you may ask the office to reexamine or reconsider their decision. A motion to reopen must state the **new facts** that are to be provided in the reopened proceeding and must be accompanied by affidavits or other documentary evidence. A motion to reconsider must establish that the decision was based on an **incorrect application of law or USCIS policy**, and further establish that the decision

was incorrect based on the evidence in the file at the time the decision was made. For more information, please see How Do I Appeal the Denial of Petition or Application?.

Can Anyone Help Me?
If advice is needed, you may contact the USCIS Office near your home for a list of community-based, non-profit organizations that may be able to assist you in applying for an immigration benefit. Please see our USCIS field offices home page for more information on contacting USCIS offices.

Home > Immigration Forms

Application for Employment Authorization

Purpose of Form :

Certain aliens who are temporarily in the United States may file a Form I-765, Application for Employment Authorization, to request an Employment Authorization Document (EAD). Other aliens who are authorized to work in the United States without restrictions should also used this form to apply for a document evidencing such authorization.

Number of Pages :

Instructions: 12; Form: 1.

Edition Date :

4/08/08. Previous editions not accepted. Please note that USCIS will accept the 7/30/07 edition through 5/08/08 only.

Where to File :

Please see Special Instructions.

Filing Fee :

$340

Special Instructions :

If you filed a Form I-485, Application to Register Permanent Residence or Adjust Status, on **July 30, 2007, or after**, then no fee is required to file a request for employment authorization on Form I-765. You may file the I-765 concurrently with your I-485, or you may submit the I-765 at a later date. If you file Form I-765 separately, you must also submit a copy of your Form I-797C, Notice of Action, receipt as evidence of the filing of an I-485.

You may be eligible to file this form electronically. Please see the related link "Introduction to Electronic Filing" for more information.

Foreign Students:
The eligibility code for an F-1 student seeking optional practical training (OPT) has been changed.

The eligibility code (c)(3)(i) will no longer be used and has been replaced with the following three codes: (c)(3)(A) for pre-completion OPT, (c)(3)(B) for post-completion OPT, and (c)(3)(C) for a 17-month extension for an F-1 student who has received a degree in Science, Technology, Engineering, or Mathematics (STEM), that appears on the STEM designated Degree Program List published on the SEVP website available through the Related Links on this page.

If you are a STEM student requesting 17-month extension of your currently authorized optional practical training, you must also submit a copy of your degree reflecting the conferred degree as well as your major field of study. In addition, the employer with whom you are seeking the 17-month OPT extension must be registered in E-Verify. Accordingly, you must list the employer's E-Verify Company Identification Number or a valid E-Verify Client Company Identification Number in Item 17 of the Form I-765. Please refer to the section on Foreign Students in the form instructions.

The eligibility codes (c)(3)(ii) and (c)(3)(iii) are unchanged and remain in use.

Electronic Filing:
Please note that the option to file Form I-765 electronically for the eligibility category (c)(3)(i) has been disabled. The option to file Form I-765 electronically for the new eligibility categories (c)(3)(A), (c)(3)(B), and (c)(3)(C) is currently not available but will be available shortly. When this option becomes available, an update will be posted to this page. The option to file the Form I-765 for the eligibility codes (c)(3)(ii) and (c)(3)(iii) remains in effect.

Where to File:
Please review the Chart listed in "Related Links" in the upper right corner of this web page, or the Form I-765 instructions available at the bottom of the page, for information on where to file your Form I-765.

Note on Filing Fee:

If you are in one of the categories noted below, no fee is required.

If filing for an initial EAD under one of these categories:

- Refugee, asylee or paroled as a refugee;

- N-8 or N-9 Nonimmigrant;
- Citizen of Micronesia, Marshall Islands, or Palau;
- Granted Withholding of Deportation;
- Deferred Enforced Departure;
- Dependent of certain foreign government or international organization personnel; or,
- Applicant for asylum (applicant filing under special ABC procedures must pay the fee however).

If filing for a renewal EAD under one of these categories:

- Citizen of Micronesia, Marshall Islands, or Palau;
- Granted Withholding of Deportation;
- Deferred Enforced Departure; or,
- Dependent of certain foreign government or international organization personnel.

If you are filing for a replacement EAD, and you are a dependent of certain foreign government or international organization personnel, no fee is required to file this form.

If you are filing this application concurrently with Form I-485, Application for Permanent Residence, no fee is required to file this form. As of 07/30/07, if you file your Form I-765 separately, you must also submit a copy of your Form I-797C, Notice of Action, as a receipt of evidence for the filing of your I-485.

If you are filing for an extension of your Employment Authorization and your Form I-485, Application for Permanent Residence, was filed before July 30, 2007, then you must pay the $340 filing fee.

This page can be found at http://www.uscis.gov/i-765

- Download Instructions for Completing Form I-765 (1032KB PDF)
- Download I-765 (1190KB PDF)

Last updated: 04/08/2008

OMB No. 1615-0040; Expires 08/31/08

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

Instructions for I-765, Application for Employment Authorization

Instructions

Please read these instructions carefully to properly complete this form. If you need more space to complete an answer, use a separate sheet(s) of paper. Write your name and Alien Registration Number (A #), if any, at the top of each sheet of paper and indicate the part and number of the item to which the answer refers.

The filing addresses provided on this form reflect the most current information as of the date this form was last printed. If you are filing Form I-765 more than 30 days after the latest edition date shown in the lower right-hand corner, please visit our website at www.uscis.gov **before you file**, and check the Forms and Fees page to confirm the correct filing address and version currently in use. Check the edition date located in the lower right-hand corner of the form. If the edition date on your Form I-765 matches the edition date listed for Form I-765 on the online Forms and Fees page, your version is current and will be accepted by USCIS. If the edition date on the online version is later, download a copy and use the online version. If you do not have Internet access, call the National Customer Service Center at 1-800-375-5283 to verify the current filing address and edition date. **Improperly filed forms will be rejected and the fee returned, with instructions to resubmit the entire filing using the current form instructions.**

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What Is the Purpose of This Form?

Certain aliens who are temporarily in the United States may file a Form I-765, Application for Employment Authorization, to request an Employment Authorization Document (EAD). Other aliens who are authorized to work in the United States without restrictions should also use this form to apply to USCIS for a document evidencing such authorization. Please review **Eligibility Categories** to determine whether you should use this form.

If you are a Lawful Permanent Resident, a Conditional Resident, or a nonimmigrant authorized to be employed with a specific employer under 8 CFR 274a.12(b), please do **not** use this form.

Definitions

Employment Authorization Document (EAD): Form I-688, Form I-688A, Form I-688B, Form I-766, or any successor document issued by USCIS as evidence that the holder is authorized to work in the United States.

Renewal EAD: An EAD issued to an eligible applicant at or after the expiration of a previous EAD issued under the same category.

Replacement EAD: An EAD issued to an eligible applicant when the previously issued EAD has been lost, stolen, mutilated, or contains erroneous information, such as a misspelled name.

Interim EAD: An EAD issued to an eligible applicant when USCIS has failed to adjudicate an application within 90 days of receipt of a properly filed EAD application or within 30 days of a properly filed initial EAD application based on an asylum application filed on or after January 4, 1995. The interim EAD will be granted for a period not to exceed 240 days and is subject to the conditions noted on the document.

Who May File This Form I-765?

USCIS adjudicates a request for employment authorization by determining whether an applicant has submitted the required information and documentation, and whether the applicant is eligible. In order to determine your eligibility, you must identify the category in which you are eligible and fill in that category in **Question 16** on the Form I-765. Enter only **one** of the following category numbers on the application form. For example, if you are a refugee applying for an EAD, you should write **"(a)(3)"** at **Question 16**.

For easier reference, the categories are subdivided as follows:

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Employment-Based Nonimmigrants 3
Family-Based Nonimmigrants 4
Adjustment-of-Status Categories 4
Other Categories 5

1. Asylee/Refugee Categories

A. Refugee--(a)(3). File your EAD application with either a copy of your Form I-590, Registration for Classification as Refugee, approval letter or a copy of a Form I-730, Refugee/Asylee Relative Petition, approval notice.

B. Paroled as a Refugee--(a)(4). File your EAD application with a copy of your Form I-94, Arrival and Departure Record.

C. Asylee (Granted Asylum)--(a)(5). File your EAD application with a copy of the USCIS letter, or judge's decision, granting you asylum. It is not necessary to apply for an EAD as an asylee until 90 days before the expiration of your current EAD.

D. Asylum Applicant (With a Pending Asylum Application)Who Filed for Asylum on or After January 4, 1995--(c)(8). (For specific instructions for applicants with pending asylum claims, see Page 5).

2. Nationality Categories

A. Citizen of Micronesia, the Marshall Islands or Palau--(a)(8). File your EAD application if you were admitted to the United States as a citizen of the Federated States of Micronesia (CFA/FSM), the Marshall Islands (CFA/MIS), or Palau, pursuant to agreements between the United States and the former trust territories.

B. Deferred Enforced Departure (DED) / Extended Voluntary Departure--(a)(11). File your EAD application with evidence of your identity and nationality.

C. Temporary Protected Status (TPS)--(a)(12). File your EAD application with Form I-821, Application for Temporary Protected Status. If you are filing for an initial EAD based on your TPS status, include evidence of identity and nationality as required by the Form I-821 instructions.

D. Temporary Treatment Benefits--(c)(19). For an EAD based on 8 CFR 244.5. Include evidence of nationality and identity as required by the Form I-821 instructions.

1. Extension of TPS status: Include a copy (front and back) of your last available TPS document: EAD, Form I-94 or approval notice.
2. Registration for TPS only without employment authorization: File Form I-765, Form I-821, and a letter indicating that this form is for registration purposes only. No fee is required for the Form I-765 filed as part of TPS registration. (Form I-821 has separate fee requirements.)

E. NACARA Section 203 Applicants Who Are Eligible to Apply for NACARA Relief With USCIS--(c)(10). See the instructions to Form I-881, Application for Suspension of Deportation or Special Rule Cancellation of Removal, to determine if you are eligible to apply for NACARA 203 relief with USCIS.

If you are eligible, follow the instructions below and submit your Form I-765 at the same time you file your Form I-881 application with USCIS:

1. If you are filing a Form I-881 with USCIS, file your EAD application at the same time and at the same filing location. Your response to Question 16 on the Form I-765 should be "(c)(10)."
2. If you have already filed your I-881 application at the Service Center specified on Form I-881, and now wish to apply for employment authorization, your response to **Question 16** on Form I-765 should be **"(c)(10)."** You should file your EAD application at the Service Center designated in "Where to File" of these instructions.
3. If you are a NACARA Section 203 applicant who previously filed a Form I-881 with USCIS, and the application is still pending, you may renew your EAD. Your response to **Question 16** on Form I-765 should be **"(c)(10)."** Submit the required fee and the EAD application to the Service Center designated in "Where to File" of these instructions.

F. Dependent of TECRO E-1 Nonimmigrant--(c). File your EAD application with the required certification from the American Institute in Taiwan if you are the spouse or unmarried dependent son or daughter of an E-1 employee of the Taipei Economic and Cultural Representative Office.

3. Foreign Students

A. F-1 Student Seeking Optional Practical Training in an Occupation Directly Related to Studies: (c)(3)(A) - Pre-completion Optional Practical Training; (c)(3)(B) - Post-completion Optional Practical Training; (c)(3)(C) - 17-month extension for STEM Students (Students with a degree in Science, Technology, Engineering, or Mathematics) File your EAD application with a Certificate of Eligibility of Nonimmigrant (F-1) Student Status (Form I-20 A-B /I-20 ID) endorsed by a Designated School Official within the past 30 days. If you are a STEM student requesting a 17-month extension under the eligibility code (c)(3)(C), you must also submit a copy of your degree, the employer name as listed in E-Verify, along with the E-Verify Company Identification Number, or a valid E-Verify Client Company Identification Number, for the employer with whom you are seeking the 17-month OPT extension. This information must be provided in Item #17 of the application form.

B. F-1 Student Offered Off-Campus Employment Under the Sponsorship of a Qualifying International Organization--(c)(3)(ii). File your EAD application with the international organization's letter of certification that the proposed employment is within the scope of its sponsorship, and a Certificate of Eligibility of Nonimmigrant (F-1) Student Status -- For Academic and Language Students (Form I-20 A-B/ -20 ID) endorsed by the Designated School Official within the past 30 days.

C. F-1 Student Seeking Off-Campus Employment Due to Severe Economic Hardship--(c)(3)(iii). File your EAD application with Form I-20 A-B/I-20 ID, Certificate of Eligibility of Nonimmigrant (F-1) Student Status -- For Academic and Language Students, and any evidence you wish to submit, such as affidavits, that detail the unforeseen economic circumstances that cause your request, and evidence you have tried to find off-campus employment with an employer who has filed a labor and wage attestation.

D. J-2 Spouse or Minor Child of an Exchange Visitor--(c)(5). File your EAD application with a copy of your J-1's (principal alien's) Certificate of Eligibility for Exchange Visitor (J-1) Status (Form IAP-66). You must submit a written statement, with any supporting evidence showing, that your employment is not necessary to support the J-1 but is for other purposes.

E. M-1 Student Seeking Practical Training After Completing Studies--(c)(6). File your EAD application with a completed Form I-539, Application to Change/Extend Nonimmigrant Status. Form I-20 M-N, Certificate of Eligibility for Nonimmigrant (M-1) Student Status -- For Vocational Students endorsed by the Designated School Official within the past 30 days.

4. Eligible Dependents of Employees of Diplomatic Missions, International Organizations, or NATO

A. Dependent of A-1 or A-2 Foreign Government Officials--(c)(1). Submit your EAD application with Form I-566, Inter-Agency Record of Individual Requesting Change/Adjustment to, or from, A or G Status; or Requesting A, G, or NATO Dependent Employment Authorization, through your diplomatic mission to the Department of State (DOS). The DOS will forward all favorably endorsed applications directly to the Nebraska Service Center for adjudication.

B. Dependent of G-1, G-3 or G-4 Nonimmigrant--(c)(4). Submit your EAD application with a Form I-566, Inter-Agency Record of Individual Requesting Change/Adjustment to or from A or G Status; or Requesting A, G, or NATO Dependent Employment Authorization, through your international organization to the Department of State (DOS). [In New York City, the United Nations (UN) and UN missions should submit such applications to the United States Mission to the UN (USUN).] The DOS or USUN will forward all favorably endorsed applications directly to the Nebraska Service Center for adjudication.

C. Dependent of NATO-1 Through NATO-6--(c)(7). Submit your EAD application with Form I-566, Inter-Agency Record of Individual Requesting Change/ Adjustment to, or from, A or G Status; or Requesting A, G or NATO Dependent Employment Authorization, to NATO SACLANT, 7857 Blandy Road, C-027, Suite 100, Norfolk, VA 23551-2490. NATO/SACLANT will forward all favorably endorsed applications directly to the Nebraska Service Center for adjudication.

5. Employment-Based Nonimmigrant Categories

A. B-1 Nonimmigrant Who is the Personal or Domestic Servant of a Nonimmigrant Employer--(c)(17)(i). File the EAD application with:

1. Evidence from your employer that he or she is a B, E, F, H, I, J, L, M, O, P, R, or TN nonimmigrant and you were employed for at least one year by the employer before the employer entered the United States or your employer regularly employs personal and domestic servants and has done so for a period of years before coming to the United States; and

2. Evidence that you have either worked for this employer as a personal or domestic servant for at least one year, or evidence that you have at least one year's experience as a personal or domestic servant; and

3. Evidence establishing that you have a residence abroad which you have no intention of abandoning.

B. B-1 Nonimmigrant Domestic Servant of a U.S. Citizen--(c)(17)ii). File your EAD application with:

1. Evidence from your employer that he or she is a U.S. citizen; and

2. Evidence that your employer has a permanent home abroad or is stationed outside the United States and is temporarily visiting the United States or the citizen's current assignment in the United States will not be longer than four years; and

3. Evidence that he or she has employed you as a domestic servant abroad for at least six months prior to your admission to the United States.

C. B-1 Nonimmigrant Employed by a Foreign Airline--(c)(17)(iii). File your EAD application with a letter from the airline fully describing your duties and indicating that your position would entitle you to E nonimmigrant status except for the fact that you are not a national of the same country as the airline or because there is no treaty of commerce and navigation in effect between the United States and that country.

D. Spouse of an E-1/E-2 Treaty Trader or Investor--(a)(17). File your EAD application with evidence of your lawful status and evidence you are a **spouse** of a principal E-1/E-2, such as your Form I-94. (Other relatives or dependents of E-1/E-2 aliens who are in E status are not eligible for employment authorization and may not file under this category.)

E. Spouse of an L-1 Intracompany Transferee--(a)(18). File your EAD application with evidence of your lawful status and evidence you are a **spouse** of a principal L-1, such as your I-94. (Other relatives or dependents of L-1 aliens who are in L status are not eligible for employment authorization and may not file under this category.)

6. Family-Based Nonimmigrant Categories

A. K-1 Nonimmigrant Fiance(e) of U.S. Citizen or K-2 Dependent--(a)(6). File your EAD application if you are filing within 90 days from the date of entry. This EAD cannot be renewed. Any EAD application other than for a replacement must be based on your pending application for adjustment under (c)(9).

B. K-3 Nonimmigrant Spouse of U.S. Citizen or K-4 Dependent--(a)(9). File your EAD application along with evidence of your admission such as copies of your Form I-94, passport, and K visa.

C. Family Unity Program--(a)(13). If you are filing for initial or extension Family Unity benefits complete and submit Form I-817, Application for Voluntary Departure Under the Family Unity Program. An Employment Authorization Document (EAD) will be issued if your I-817 is approved, no I-765 application is necessary.

If your non-expired Family Unity EAD is lost or stolen, file an I-765 application with proper fee(s), along with a copy of your approval notice for Family Unity benefits, to request a replacement.

D. LIFE Family Unity--(a)(14). If you are applying for initial employment authorization under Family Unity provisions of section 1504 of the LIFE Act Amendments, or an extension of such authorization, you should not be using this form. Please obtain and complete a Form I-817, Application for Family Unity Benefits. If you are applying for a replacement EAD that was issued under LIFE Act Amendments Family Unity provisions, file your EAD application with the required evidence listed in the "Required Document" section of these instructions.

E. V-1, V-2 or V-3 Nonimmigrant--(a)(15). If you have been inspected and admitted to the United States with a valid V visa, file this application along with evidence of your admission, such as copies of your Form I-94, passport, and K visa. If you have been granted V status while in the United States, file this application along with evidence of your V status, such as an approval notice. If you are in the United States but you have not yet filed an application for V status, you may file this application at the same time as you file your application for V status. USCIS will adjudicate this application after adjudicating your application for V status.

7. **EAD Applicants Who Have Filed for Adjustment of Status**

   A. **Adjustment Applicant--(c)(9).** File your EAD application with a copy of the receipt notice or other evidence that your Form I-485, Application for Permanent Residence or Adjust Status, is pending. You may file Form I-765 together with your Form I-485.

   B. **Adjustment Applicant Based on Continuous Residence Since January 1, 1972--(c)(16).** File your EAD application with your Form I-485, Application for Permanent Residence; a copy of your receipt notice; or other evidence that the Form I-485 is pending.

   C. **Renewal EAD for National Interest Waiver Physicians:** If you are filing for a renewal EAD based on your pending adjustment status and an approved National Interest Waiver Physician petition, you must also include evidence of your meaningful progress toward completing the national interest waiver obligation. Such evidence includes documentation of employment in any period during the previous 12 months (e.g. copies of W-2 forms). If you did not work as a national interest waiver physician during any period of the previous 12 months, you must explain and provide a statement of future intent to work in the national interest waiver employment.

8. **Other Categories**

   A. **N-8 or N-9 Nonimmigrant--(a)(7).** File your EAD application with the required evidence listed in the "Required Document" section of these instructions.

   B. **Granted Withholding of Deportation or Removal (a)(10).** File your EAD application with a copy of the Immigration Judge's order. It is not necessary to apply for a new EAD until 90 days before the expiration of your current EAD.

   C. **Applicant for Suspension of Deportation--(c)(10).** File your EAD application with evidence that your Form I-881, Application for Suspension of Deportation, or EOIR-40, is pending.

   D. **Paroled in the Public Interest--(c)(11).** File your EAD application if you were paroled into the United States for emergent reasons or reasons strictly in the public interest.

   E. **Deferred Action--(c)(14).** File your EAD application with a copy of the order, notice or document placing you in deferred action and evidence establishing economic necessity for an EAD.

   F. **Final Order of Deportation--(c)(18).** File your EAD application with a copy of the order of supervision and a request for employment authorization which may be based on, but not limited to the following:

      1. Existence of a dependent spouse and/or children in the United States who rely on you for support; and
      2. Existence of economic necessity to be employed;
      3. Anticipated length of time before you can be removed from the United States.

   G. **LIFE Legalization Applicant--(c)(24).** We encourage you to file your EAD application together with your Form I-485, Application to Register Permanent Residence or Adjust Status, to facilitate processing. However, you may file Form I-765 at a later date with evidence that you were a CSS, LULAC, or Zambrano class member applicant before October 1, 2000, and with a copy of the receipt notice or other evidence that your Form I-485 is pending.

   H. **T-1 Nonimmigrant--(a)(16).** If you are applying for initial employment authorization as a T-1 nonimmigrant, file this form only if you did not request an employment authorization document when you applied for T nonimmigrant status. If you have been granted T status and this is a request for a renewal or replacement of an employment authorization document, file this application along with evidence of your T status, such as an approval notice.

   I. **T-2, T-3, or T-4 Nonimmigrant--(c)(25).** File this form with a copy of your T-1's (principal alien's) approval notice and proof of your relationship to the T-1 principal.

Required Documentation

All applications must be filed with the documents required below, in addition to the particular evidence required for the category listed in "Who May File This Form I-765" with fee, if required.

If you are required to show economic necessity for your category, submit a list of your assets, income, and expenses.

Please assemble the documents in the following order:

1. Your application with the filing fee. See **"What Is the Filing Fee"** for details.

2. If you are mailing your application to USCIS, you must also submit:

   A. A copy of Form I-94 Departure Record (front and back), if available. If you are filing an I-765 under the (c) (9) category, an I-94 record need not submitted.

   B. A copy of your last EAD (front and back). If no prior EAD has been issued, you must submit a copy of a Federal Government issued identity document, such as a passport showing your picture, name, and date of birth; a birth certificate with photo ID; a visa issued by a foreign consulate; or a national ID document with photo and/or fingerprint. The identity document photocopy must clearly show the facial features of the applicant and the biographical information.

   C. You **must** submit two identical color photographs of yourself taken within 30 days of the filing of this application. The photos must have a white to off-white background, be printed on thin paper with a glossy finish, and be unmounted and unretouched.

   The passport-style photos must be 2" by 2". The photos must be in color with full face, frontal view on a white to off-white background. Head height should measure 1" to 1 3/8" from top to bottom of chin, and eye height is between 1 1/8" to 1 3/8" from bottom of photo. Your head must be bare unless you are wearing a headdress as required by a religious order of which you are a member. Using pencil or felt pen, lightly print your name and Alien Receipt Number on the back of the photo.

Special Filing Instructions for Those With Pending AsylumApplications ((c)(8))

Asylum Applicant (with a pending asylum application) who filed for asylum on or after January 4, 1995. *You must wait at least 150 days following the filing of your asylum claim before you are eligible to apply for an EAD. If you file your EAD application early, it will be denied. File your EAD application with:*

1. A copy of the USCIS acknowledgement mailer which was mailed to you; or

2. Other evidence that your Form I-589 was filed with USCIS; or

3. Evidence that your Form I-589 was filed with an Immigration Judge at the Executive Office for Immigration Review (EOIR); or

4. Evidence that your asylum application remains under administrative or judicial review.

Asylum applicant (with a pending asylum application) who filed for asylum and for withholding of deportation prior to January 4, 1995, and is *NOT* in exclusion or deportation proceedings.

You may file your EAD application at any time; however, it will only be granted if USCIS finds that your asylum application is not frivolous. File your EAD application with:

1. A complete copy of your previously filed Form I-589; AND

2. A copy of your USCIS receipt notice; or

3. A copy of the USCIS acknowledgement mailer; or

4. Evidence that your Form I-589 was filed with EOIR; or

5. Evidence that your asylum application remains under administrative or judicial review; or

6. A copy of the USCIS acknowledgement mailer.

Asylum applicant (with a pending asylum application) who filed an initial request for asylum prior to January 4, 1995, and *IS IN* exclusion or deportation proceedings. If you filed your Request for Asylum and Withholding of Deportation (Form I-589) prior to January 4, 1995, and you ARE IN exclusion or deportation proceedings, file your EAD application with:

1. A date-stamped copy of your previously filed Form I-589; or

2. A copy of Form I-221, Order to Show Cause and Notice of Hearing, or Form I-122, Notice to Applicant for Admission Detained for Hearing Before Immigration Judge; or
3. A copy of EOIR-26, Notice of Appeal, date stamped by the Office of the Immigration Judge; or
4. A date-stamped copy of a petition for judicial review or for *habeas corpus* issued to the asylum applicant; or
5. Other evidence that you filed an asylum application with EOIR.

Asylum application under the ABC Settlement Agreement--(c)(8). If you are a Salvadoran or Guatemalan national eligible for benefits under the ABC settlement agreement, American Baptist Churches v. Thornburgh , 760 F. Supp. 976 (N.D. Cal. 1991), please follow the instructions contained in this section when filing your Form I-765.

You must have asylum application (Form I-589) on file either with USCIS or with an Immigration Judge in order to receive work authorization. Therefore, please submit evidence that you have previously filed an asylum application when you submit your EAD application. You are not required to submit this evidence when you apply, but it will help USCIS process your request efficiently.

If you are renewing or replacing your EAD, you must pay the filing fee.

Mark your application as follows:

1. Write "ABC" in the top right corner of your EAD application. You must identify yourself as an ABC class member if you are applying for an EAD under the ABC settlement agreement.
2. Write "(c)(8)" in **Section 16** of the application.

You are entitled to an EAD without regard to the merits of your asylum claim. Your application for an EAD will be decided within 60 days if: (1) you pay the filing fee, (2) you have a complete pending asylum application on file, and (3) write "ABC" in the top right corner of your EAD application. If you do not pay the filing fee for an initial EAD request, your request may be denied if USCIS finds that your asylum application is frivolous. However, if you cannot pay the filing fee for an EAD, you may qualify for a fee waiver under 8 CFR 103.7(c).

What is the Filing Fee?

The filing fee for Form I-765 is $340

Exceptions:

Initial EAD: If this is your initial application and you are applying under one of the following categories, a filing fee is **not** required:

1. (a)(3) Refugee;
2. (a)(4) Paroled as Refugee;
3. (a)(5) Asylee;
4. (a)(7) N-8 or N-9 nonimmigrant;
5. (a)(8) Citizen of Micronesia, Marshall Islands or Palau;
6. (a)(10) Granted Withholding of Deportation;
7. (a)(11) Deferred Enforced Departure;
8. (a)(16) Victim of Severe Form of Trafficking (T-1);
9. (c)(1), (c)(4), or (c)(7) Dependent of certain foreign government, international organization, or NATO personnel; or
10. (c)(8) Applicant for asylum [an applicant filing under the special ABC procedures must pay the fee].

Renewal EAD: If this is a renewal application and you are applying under one of the following categories, a filing fee is **not** required:

1. (a)(8) Citizen of Micronesia, Marshall Islands, or Palau;
2. (a)(10) Granted Withholding of Deportation;
3. (a)(11) Deferred Enforced Departure; or
4. (c)(l), (c)(4), or (c)(7) Dependent of certain foreign government, international organization, or NATO personnel;
5. (c)(9) or (c)(16) adjustment applicant who filed for adjustment under the fee structure implemented July 30, 2007.

Replacement EAD: If this is your replacement application and you are applying under one of the following categories, a filing fee is **not** required:

1. (c)(l), (c)(4), or (c)(7) Dependent of certain foreign government, international organization, or NATO personnel.

NOTE: If you are requesting a replacement EAD under the (c)(9) or (c)(16) Applicant for Adjustment of Status filed under the fee structure implemented July 30, 2007, then the full filing fee will be required; however, no biometrics fee is required.

Incorrect Card: No fee is required if you are filing only because the card issued to you was incorrect due to a USCIS administrative error. However, if the error was not caused by USCIS, both application and biometrics fees are required.

You may be eligible for a fee waiver under 8 CFR 103.7(c).

USCIS will use the Poverty Guidelines published annually by the Department of Health and Human Services as the basic criteria in determining the applicant's eligibility when economic necessity is identified as a factor.

The Poverty Guidelines will be used as a guide, but not as a conclusive standard, in adjudicating fee waiver requests for employment authorization applications requiring a fee.

Use the following guidelines when you prepare your check or money order for the Form I-765 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 check or money order payable to **U.S. Department of Homeland Security**, unless:

   A. If you live in Guam and are filing your petition there, make it payable to **Treasurer, Guam**.

   B. If you live in the U.S. Virgin Islands and are filing your petition there, make it payable to **Commissioner of Finance of the Virgin Islands**.

NOTE: If you filed a Form I-485, Application to Register Permanent Residence or Adjust Status, as of July 30, 2007, no fee is required to also file a request for employment authorization on Form I-765. You may file the I-765 concurrently with your I-485, or you may submit the I-765 at a later date. If you file Form I-765 separately, you must also submit a copy of your Form I-797C, Notice of Action, receipt as evidence of the filing of an I-485 as of July 30, 2007.

NOTE: Please 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, it will be converted 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 will be shown on your regular account statement.

You will not receive your original check back. We will destroy your original check, but we will keep a copy of it. If the EFT cannot be processed for technical reasons, you authorize us to process the copy in place of your original check. If the EFT cannot be completed because of insufficient funds, we may try to make the transfer up to two times.

How to Check If the Fees Are Correct

The form fee on this form is current as of the edition date appearing in the lower right corner of this page. However, because USCIS fees change periodically, you can verify if the fees are correct by following one of the steps below:

1. Visit our website at **www.uscis.gov**, select "Immigration Forms," and check the appropriate fee;

2. Review the Fee Schedule included in your form package, if you called us to request the form; or

3. Telephone our National Customer Service Center at **1-800-375-5283** and ask for the fee information.

Where to File?

E-Filing Form I-765: Certain Form I-765 filings may be electronically filed (e-filed) with USCIS. Please view our website at www.uscis.gov for a list of who is eligible to e-file this form and instructions.

If your response to **Question 16** is **(a)(3)**, admitted as a refugee, **(a)(4)**, paroled as a refugee, **(a)(5)**, asylum granted, **(a)(7)**, **N-8** or **N-9** nonimmigrant, or **(a)(8)**, admitted as citizen of the Federated States of Micronesia or of the Marshall Islands mail your application to:

USCIS
Nebraska Service Center
P.O. Box 87765
Lincoln, NE 68501-7765

For private courier (non-USPS) deliveries:

USCIS
Nebraska Service Center
850 S. Street
Lincoln, NE 68508-1225

If your response to **Question 16** is:

1. **(a)(10)**, an alien granted withholding of deportation or removal;

2. **(c)(11)**, an alien paroled into the United States temporarily for emergency reasons, or reasons deemed strictly in the public interest;

3. **(c)(14)**, an alien who has been granted deferred action, (exception: if the grant of deferred action was based on an approved Form I-360 petition filed for a battered or abused spouse or child, file your Form I-765 with the Vermont Service Center at the address below);

4. **(c)(16)**, an alien who has filed an application for creation of record of lawful admission for permanent residence; or

5. **(c)(18)**, an alien against whom a final order of deportation or removal exists and who is released on an order of supervision, mail your application to the following address:

USCIS
P.O. Box 805887
Chicago, IL 60680-4120

If your response to **Question 16** is **(c)(14)**, an alien who has been granted deferred action based on an approved Form I-360 petition filed for a battered or abused spouse or child, **(a)(16)**, victim of trafficking, or **(c)(25)**, immediate family member of a T-1 victim of severe form of trafficking in persons, send your application to (this address may be used for both U.S. Postal Service and private courier deliveries):

USCIS
Vermont Service Center
Attn: I-765
75 Lower Welden St.
St. Albans, VT 05479-0001

If your response to **Question 16** is **(a)(14)**, an alien granted family unity benefits under Section 1504 of the LIFE Act, or **(c)(24)**, an alien who has filed for adjustment under section 1104 of the LIFE Act, mail your application to:

USCIS
P.O. Box 7219
Chicago, IL 60680-7219

If your response to **Question 16** is **(a)(15)**, any alien in V nonimmigrant status, mail your application to:

USCIS
P.O. Box 7216
Chicago, IL 60680-7216

If your response to **Question 16** is **(a)(12)**, alien granted Temporary Protected Status, or **(c)(19)**, alien who has a pending application for TPS, mail your application according to the instructions in the Federal Register notice for your particular country's TPS designation.

If you need to replace a valid lost, stolen, or mutilated Temporary Protected Status EAD, send your application to (this address may be used for both U.S. Postal Service and private courier deliveries):

USCIS
Vermont Service Center
Attn: TPS
75 Lower Welden St.
St. Albans, VT 05479-0001

If your response to **Question 16** is **(c)(1)**, alien spouse or unmarried dependent child, son or daughter of a foreign government official, or **(c)(4)**, eligible dependent of a G-1, G-3 or G-4 non-immigrant, or **(c)(7)**, dependent of a NATO 1 through NATO 7, submit your application through your principal's sponsoring organization. Your application will be reviewed and forwarded by DOS, USUN, or NATO/ SACLANT to the Nebraska Service Center following certification of your eligibility for an EAD.

If your response to **Question 16** is **(c)(8)** under the special ABC filing instructions, and you are filing your Form I-589 Application for Asylum and this application together, mail your applications to the office where you will file your asylum application. Otherwise, for all other (c)(8) filings, see additional instructions below.

If your response to **Question 16** is **(c)(9)** and you filed your I-485 application with the USCIS Chicago Lockbox Facility, file your Form I-765 with the following address (if you filed your Form I-485 with a USCIS Service Center, see instructions below):

USCIS Lockbox Addresses:

For U. S. Postal Service (USPS) deliveries:

USCIS
P.O. Box 805887
Chicago, IL 60680-4120

For private courier (non-USPS) deliveries:

USCIS
Attn: FBASI
427 S. LaSalle, 3rd Floor
Chicago, IL 60605-1029

Otherwise, if you filed your I-485 adjustment application with a USCIS Service Center, you must file Form I-765 at the Nebraska Service Center or the Texas Service Center, depending on where you live (see the following addresses).

Nebraska Service Center Filings

File Form I-765 alone or concurrently with Form I-485 with the Nebraska Service Center if you live in:

Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin, or Wyoming.

If you are filing Form I-765 alone, mail your Form I-765 package to:

USCIS
Nebraska Service Center
P.O. Box 87765
Lincoln, NE 68501-7765

If you are filing Form I-765 concurrently with Form I-485, mail to:

USCIS
Nebraska Service Center
P.O. Box 87485
Lincoln, NE 68501-7485

For private courier (non-USPS) deliveries:

USCIS
Nebraska Service Center
850 S. Street
Lincoln, NE 68508-1225

Texas Service Center Filings

File Form I-765 with the Texas Service Center if you live in:

Alabama, Arkansas, Connecticut, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, South Carolina, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, Tennessee, Texas, Vermont, Virginia, U.S. Virgin Islands, West Virginia or Washington, DC.

If you are filing Form I-765 concurrently with Form I-485, mail your Form I-765 to the address you will use to file Form I-485.

If you are filing Form I-765 alone, mail your Form I-765 package to:

USCIS
Texas Service Center
P.O. Box 851041
Mesquite, TX 75185-1041

For private courier (non-USPS) deliveries:

USCIS
Texas Service Center
4141 North St. Augustine Road
Dallas, TX 75227

If your response to **Question 16** is:

1. **(a)(6)**, alien admitted as a nonimmigrant fiancé(e) pursuant to section 101(a)(15) (K)(i);
2. **(a)(11)**, alien granted extended voluntary departure by the Secretary as a member of a nationality group pursuant to a request by the Secretary of State;
3. **(a)(13)**, alien granted voluntary departure under the Family Unity Program;
4. **(a)(17)**, spouse of a treaty trader, investor;
5. **(a)(18)**, spouse of an intracompany transferee;
6. **(c)(2)**, alien spouse or unmarried dependent son or daughter of an employee of the Coordination Council for North American Affairs;
7. **(c)(3)(A), (c)(3)(B), or (c)(3)(C)**. F-1 student seeking optional practical training;
8. **(c)(3)(ii)**, F-1 student offered employment under the sponsorship of an international organization;
9. **(c)(3)(iii)**, F-1 student seeking employment because of severe economic hardship;
10. **(c)(5)**, spouse or minor child of an exchange visitor (J-2);
11. **(c)(6)**, M-1 student seeking employment for practical training;
12. **(c)(8)**, an alien who has filed an application for asylum or withholding of deportation or removal;
13. **(c)(17)(i)**, a visitor for business (B-1) who is the personal or domestic servant who is accompanying or following to join an employer;
14. **(c)(17)(ii)**, a domestic servant of a U.S. citizen accompanying or following to join his or her U.S. citizen employer who has a permanent home or is stationed in a foreign country; or
15. **(c)(17)(iii)**, an employee of a foreign airline engaged in international transportation of passengers freight:

    mail your application to the appropriate Service Center depending on where you live (see chart on the following page).

If you live in:		Mail your application to:
Connecticut D.C. Maryland New Hampshire New York Puerto Rico Vermont West Virginia	Delaware Maine Massachusetts New Jersey Pennsylvania Rhode Island Virginia U.S.V.I.	For both U.S. Postal Service and private courier deliveries: **USCIS** Vermont Service Center ATTN: I-765 75 Lower Welden Street St. Albans, VT 05479-0001
Arizona Guam Nevada	California Hawaii	U.S. Postal Service deliveries: **USCIS** California Service Center P.O. Box 10765 Laguna Niguel, CA 92607-1076 For private courier (non-USPS) deliveries: **USCIS** California Service Center 24000 Avila Road 2nd Floor, Room 2312 Laguna Niguel, CA 92677
Alabama Florida Kentucky Mississippi North Carolina South Carolina Texas	Arkansas Georgia Louisiana New Mexico Oklahoma Tennessee	U.S. Postal Service deliveries: **USCIS Service Center** Texas Service Center P.O. Box 851041 Mesquite, TX 75185-1041 For private courier (non-USPS) deliveries: **USCIS** Texas Service Center 4141 N St. Augustine Rd Dallas, TX 75227
Alaska Idaho Indiana Kansas Minnesota Montana North Dakota Oregon Utah Wisconsin	Colorado Illinois Iowa Michigan Missouri Nebraska Ohio South Dakota Washington Wyoming	US Postal Service deliveries: **USCIS Service Center** Nebraska Service Center P.O. Box 87765 Lincoln, NE 68501-7765 For private courier (non-USPS) deliveries: **USCIS** Nebraska Service Center 850 S. Street Lincoln, NE 68508-1225

If your response to **Question 16** is:

1. **(a)(9)**, admitted as a K-3 spouse or K-4 dependant; or
2. **(c)(10)**, and you are a NACARA 203 applicant eligible to apply for relief with USCIS, or if your I-881 application is still pending with USCIS and you wish to renew your EAD:

Mail your EAD application with the required fee to the appropriate USCIS service center below:

If you live in Alabama, Arkansas, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Tennessee, Texas, Utah, the U.S. Virgin Islands, Vermont, Virginia, West Virginia, or Wyoming, send your application to (this address may be used for both U.S. Postal Service and private courier deliveries):

USCIS
Vermont Service Center
Attn: I-765
75 Lower Welden St.
St. Albans, VT 05479-0001

If you live in Alaska, Arizona, California, the Commonwealth of Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Oregon, Ohio, South Dakota, Washington, or Wisconsin, mail your application to:

USCIS
California Service Center
P.O. Box 10765
Laguna Niguel, CA 92607-1076

For private courier (non-USPS) deliveries:

USCIS
California Service Center
24000 Avila Road
2nd Floor, Room 2312
Laguna Niguel, CA 92677

NOTE: You should submit the fee for the EAD application on a separate check or money order. Do not combine your check or money order with the fee for Form I-881.

If your response to **Question 16** is **(c)(10)** and you are not eligible to apply for NACARA 203 relief with USCIS, but you are eligible for other deportation or removal relief, mail your application to the following address:

USCIS
P.O. Box 805887
Chicago, IL 60680-4120

Questions Regarding Form I-765

For additional information about Form I-765, including how to file your application or filing locations not mentioned, call the USCIS National Customer Service Center at **1-800-375-5283** or visit our website at **www.uscis.gov.**

Processing Information

Any Form I-765 that is not signed or accompanied by the correct fee will be rejected with a notice that the Form I-765 is deficient. You may correct the deficiency and resubmit the Form I-765. An application or petition is not considered properly filed until accepted by USCIS.

Initial processing. Once a Form I-765 has been accepted, it will be checked for completeness, including submission of the required initial evidence. If you do not completely fill out the form, or file it without required initial evidence, you will not establish a basis for eligibility, and we may deny your Form I-765.

Requests for more information or interview. We may request more information or evidence, or we may request that you appear at a USCIS office for an interview. We may also request that you submit the originals of any copy. We will return these originals when they are no longer required.

Interim EAD. If you have not received a decision within 90 days of receipt by USCIS of a properly filed EAD application or within 30 days of a properly filed initial EAD application based on an asylum application filed on or after January 4, 1995, you may obtain interim work authorization by appearing in person at your local USCIS district office. You must bring proof of identity and any notices that you have received from USCIS in connection with your application for employment authorization.

Approval. If approved, your EAD will either be mailed to you or you may be required to appear at your local USCIS office to pick it up.

Denial. If your application cannot be granted, you will receive a written notice explaining the basis of your denial.

Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with this Form I-765, we will deny the Form I-765 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 Forms and Information

To order USCIS forms, call our toll-free number at **1-800-870-3676**. You can also get USCIS forms and information on immigration laws, regulations, and procedures by telephoning our National Customer Service Center at **1-800-375-5283** or visiting our Internet website at **www.uscis.gov**.

As an altenative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our Internet-based system, **InfoPass**. To access the system, visit our website. Use the **InfoPass** appointment scheduler and follow the screen prompts to set up your appointment. **InfoPass** generates an electronic appointment notice that appears on the screen.

Paperwork Reduction Act

Authority for Collecting This Information. The authority to require you to file Form I-765, Application for Employment Authorization, when applying for employment authorization is found at sections 103(a) and 274A(h)(3) of the Immigration and Nationality Act. Information you provide on your Form I-765 is used to determine whether you are eligible for employment authorization and for the preparation of your Employment Authorization Document if you are found eligible. Failure to provide all information as requested may result in the denial or rejection of this application. The information you provide may also be disclosed to other Federal, State, local, and foreign law enforcement and regulatory agencies during the course of the USCIS investigations.
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 OMB control number. The public reporting burden for this collection of information is estimated at 3 hours and 25 minutes per response, including the time for reviewing instructions and completing and submitting the form. 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, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529. OMB No. 1615-0040. **Do not mail your application to this address.**

OMB No. 1615-0040; Expires 08/31/08

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

I-765, Application For Employment Authorization

Do not write in this block.

Remarks	Action Block	Fee Stamp
A#		
Applicant is filing under §274a.12 _____		

☐ Application Approved. Employment Authorized / Extended *(Circle One)* until _____ (Date).
_____ (Date).
Subject to the following conditions: _____
Application Denied.
☐ Failed to establish eligibility under 8 CFR 274a.12 (a) or (c).
☐ Failed to establish economic necessity as required in 8 CFR 274a.12(c)(14), (18) and 8 CFR 214.2(f)

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

1. Name (Family Name in CAPS) (First) (Middle)

2. Other Names Used (Include Maiden Name)

3. Address in the United States (Number and Street) (Apt. Number)

(Town or City) (State/Country) (ZIP Code)

4. Country of Citizenship/Nationality

5. Place of Birth (Town or City) (State/Province) (Country)

6. Date of Birth (mm/dd/yyyy)

7. Gender ☐ Male ☐ Female

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

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

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

11. Have you ever before applied for employment authorization from USCIS?
☐ Yes (If yes, complete below) ☐ No

Which USCIS Office? Date(s)

Results (Granted or Denied - attach all documentation)

12. Date of Last Entry into the U.S. (mm/dd/yyyy)

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

14. Manner of Last Entry (Visitor, Student, etc.)

15. Current Immigration Status (Visitor, Student, etc.)

16. Go to **Part 2** of the Instructions, Eligibility Categories. In the space below, place the letter and number of the category you selected from the instructions (For example, (a)(8), (c)(17)(iii), etc.).

Eligibility under 8 CFR 274a.12 ( ) ( ) ( )

17. If you entered the Eligibility Category, (c)(3)(C), in item 16 above, list your degree, your employer's name as listed in E-Verfy, and your employer's E-Verify Company Identification Number or a valid E-Verify Client Company Identification Number in the space below.

Degree: _____

Employer's Name as listed in E-Verify: _____

Employer's E-Verify Company Identification Number or a valid E-Verify Client Company Identification Number _____

Certification

Your Certification: I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Furthermore, I authorize the release of any information that U.S. Citizenship and Immigration Services needs to determine eligibility for the benefit I am seeking. I have read the Instructions in **Part 2** and have identified the appropriate eligibility category in **Block 16**.

Signature Telephone Number Date

Signature of person preparing form, if other than above: I declare that this document was prepared by me at the request of the applicant and is based on all information of which I have any knowledge.

Print Name Address *Signature* Date

Remarks	Initial Receipt	Resubmitted	Relocated		Completed		
			Rec'd	Sent	Approved	Denied	Returned

Instructions

I. Execution of Affidavit.

A separate affidavit must be submitted for each person. As the sponsor, you must sign the affidavit in your full, true and correct name and affirm or make it under oath.

- If you are **in the United States**, the affidavit may be sworn to or affirmed before an officer of U.S. Citizenship and Immigration Services (USCIS) without the payment of fee, or before a notary public or other officers authorized to administer oaths for general purposes, in which case the official seal or certificate of authority to administer oaths must be affixed.
- If you are **outside the United States,** the affidavit must be sworn to or **notice** affirmed before a U.S. consular or immigration officer.

How you submit the form depends on whether the alien you are sponsoring is in or outside the United States and what type of application is being submitted. See the instructions provided with the corresponding application for detailed information on how to submit this affidavit of support form.

II. Supporting Evidence.

As the sponsor, you must show you have sufficient income and/or financial resources to assure that the alien you are sponsoring will not become a public charge while in the United States.

Evidence should consist of copies of any or all of the following documentation listed below that are applicable to your situation.

Failure to provide evidence of sufficient income and/or financial resources may result in the denial of the alien's application for a visa or his or her removal from the United States.

The sponsor must submit in duplicate evidence of income and resources, as appropriate:

A. Statement from an officer of the bank or other financial institutions where you have deposits, identifying the following details regarding your account:

1. Date account opened;
2. Total amount deposited for the past year;
3. Present balance.

B. Statement of your employer on business stationery, revealing:

1. Date and nature of employment;
2. Salary paid;
3. Whether the position is temporary or permanent.

C. If self-employed:

1. Copy of last income tax return filed; or
2. Report of commercial rating concern.

D. List containing serial numbers and denominations of bonds and name of record owner(s).

III. Sponsor and Alien Liability.

Effective October 1, 1980, amendments to section 1614(f) of the Social Security Act and Part A of Title XVI of the Social Security Act establish certain requirements for determining the eligibility of aliens who apply for the first time for Supplemental Security Income (SSI) benefits.

Effective October 1, 1981, amendments to section 415 of the Social Security Act established similar requirements for determining the eligibility of aliens who apply for the first time for Aid to Families with Dependent Children (AFDC), currently administered under Temporary Assistance for Needy Families (TANF). Effective December 22, 1981, amendents to the Food Stamp Act of 1977 affect the eligibility of alien participation in the Food Stamp Program.

These amendments require that the income and resources of any person who, as the sponsor of an alien's entry into the United States, executes an affidavit of support or similar agreement on behalf of the alien, and the income and resources of the sponsor's spouse (if living with the sponsor) shall be deemed to be the income and resources of the alien under formulas for determining eligibility for SSI, TANF and Food Stamp benefits during the three years following the alien's entry into the United States.

Documentation on Income and Resources.

An alien applying for SSI must make available to the Social Security Administration documentation concerning his / her income and resources and those of the sponsor, including information that was provided in support of the corresponding application.

An alien applying for TANF or Food Stamps must make similar information available to the State public assistance agency.

The Secretary of Health and Human Services and the Secretary of Agriculture are authorized to obtain copies of any such documentation submitted to USCIS or the U.S. Department of State and to release such documentation to a State public assistance agency.

Joint and Several Liability Issues.

Sections 1621(e) of the Social Security Act and subsection 5(i) of the Food Stamp Act also provide that an alien and his or her sponsor shall be jointly and severally liable to repay any SSI, TANF or Food Stamp benefits that are incorrectly paid because of mis-information provided by a sponsor or because of a sponsor's failure to provide information, except where the sponsor was without fault or where good cause existed.

Incorrect payments that are not repaid will be withheld from any subsequent payments for which the alien or sponsor are otherwise eligible under the Social Security Act or Food Stamp Act.

These provisions do not apply to SSI, TANF or Food Stamp eligibility of aliens admitted as refugees, granted asylum or Cuban/ Haitian entrants as defined in section 501(e) of P.L. 96-422, and to dependent children of the sponsor or sponsor's spouse.

IV. Information and USCIS Forms.

For information on immigration laws, regulations and procedures or to order USCIS forms, call our National Customer Service Center at **1-800-375-5283** or visit our website at **www.uscis.gov.**

V. Use InfoPass for Appointments.

As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our internet-based system, **InfoPass**. To access the system, visit our website at **www.uscis.gov**. Use the **InfoPass** appointment scheduler and follow the screen prompts to set up your appointment. **InfoPass** generates an electronic appointment notice that appears on the screen. Print the notice and take it with you to your appointment. The notice gives the time and date of your appointment, along with the address of the USCIS office.

VI. Privacy Act Notice.

We ask for the information on this form and associated evidence to determine if you have established eligibility for the immigration benefit you are seeking. We may provide this information to other government agencies. Failure to provide this information and any requested evidence may delay a final decision or result in denial of your request.

Authority for the collection of the information requested on this form is contained in 8 U.S.C. 1182(a)(4),1183(a),1184(a) and 1258.

The information will be used principally by USCIS, or by any consular officer to whom it may be furnished, to support an alien's application for benefits under the Immigration and Nationality Act and specifically the assertion that he or she has adequate means of financial support and will not become a public charge. Submission of the information is voluntary.

However, failure to provide the information may result in the denial of the alien's application.

The information may also as a matter of routine use be disclosed to other federal, state, local and foreign law enforcement and regulatory agencies, including the Department of Health and Human Services, Department of Agriculture, Department of State, Department of Defense and any component thereof (if the deponent has served or is serving in the armed forces of the United States), Central Intelligence Agency, and individuals and organizations during the course of any investigation to elicit further information required to carry out USCIS functions.

VII. Paperwork Reduction Act Notice.

You are not required to respond to this form unless it displays a currently valid OMB control number.

We try to create forms and instructions that are accurate, can be easily understood and impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex.

The estimated average time to complete and file this notice is 15 minutes.

If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you may write to: U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529. **Do not mail your completed affidavit of support to this address.**

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

OMB No. 1615-0014; Exp. 04-30-07

I-134, Affidavit of Support

(Answer all items. Type or print in black ink.)

I, _____ residing at _____
(Name) (Street and Number)

_____
(City) (State) (Zip Code if in U.S.) (Country)

Being duly sworn depose and say:

1. I was born on _____ at _____
(Date-mm/dd/yyyy) (City) (Country)

If you are **not** a native born U.S. citizen, answer the following as appropriate:

a. If a U.S.citizen through naturalization, give certificate of naturalization number _____

b. If a U.S. citizen through parent(s) or marriage, give citizenship certificate number _____

c. If U.S. citizenship was derived by some other method, attach a statement of explanation.

d. If a lawfully admitted permanent resident of the United States, give "A" number _____

2. I am _____ years of age and have resided in the United States since (date) _____

3. This affidavit is executed on behalf of the following person:

Name (Family Name)	(First Name)	(Middle Name)	Gender	Age

Citizen of (Country)	Marital Status	Relationship to Sponsor

Presently resides at (Street and Number)	(City)	(State)	(Country)

Name of spouse and children accompanying or following to join person:

Spouse	Gender	Age	Child	Gender	Age
Child	Gender	Age	Child	Gender	Age
Child	Gender	Age	Child	Gender	Age

4. This affidavit is made by me for the purpose of assuring the U.S. Government that the person(s) named in item **(3)** will not become a public charge in the United States.

5. I am willing and able to receive, maintain and support the person(s) named in item **3**. That I am ready and willing to deposit a bond, if necessary, to guarantee that such person(s) will not become a public charge during his or her stay in the United States, or to guarantee that the above named person(s) will maintain his or her nonimmigrant status, if admitted temporarily and will depart prior to the expiration of his or her authorized stay in the United States.

6. I understand this affidavit will be binding upon me for a period of three (3) years after entry of the person(s) named in item **(3)** and that the information and documentation provided by me may be made available to the Secretary of Health and Human Services and the Secretary of Agriculture, who may make it available to a public assistance agency.

7. I am employed as or engaged in the business of _____ with _____
(Type of Business) (Name of Concern)

at _____
(Street and Number) (City) (State) (Zip Code)

I derive an annual income of: *(If self-employed, I have attached a copy of my last income tax return or report of commercial rating concern which I certify to be true and correct to the best of my knowledge and belief. See instructions for nature of evidence of net worth to be submitted.)* $ _____

I have on deposit in savings banks in the United States: $ _____

I have other personal property, the reasonable value of which is: $ _____

I have stocks and bonds with the following market value, as indicated on the attached list, which I certify to be true and correct to the best of my knowledge and belief: $ _____

I have life insurance in the sum of: $ _____

With a cash surrender value of: $ _____

I own real estate valued at: $ _____

With mortgage(s) or other encumbrance(s) thereon amounting to: $ _____

Which is located at: _____
(Street and Number) (City) (State) (Zip Code)

8. The following persons are dependent upon me for support: *(Place an "x"* in the appropriate column to indicate whether the person named is ***wholly*** or ***partially*** dependent upon you for support.)

Name of Person	Wholly Dependent	Partially Dependent	Age	Relationship to Me
	☐	☐		
	☐	☐		
	☐	☐		

9. I have previously submitted affidavit(s) of support for the following person(s). If none, state none.

Name	Date submitted

10. I have submitted a visa petition(s) to U.S. Citizenship and Immigration Services (USCIS) on behalf of the following person(s). If none, state none.

Name	Relationship	Date submitted

11. I ☐ intend ☐ do not intend to make specific contributions to the support of the person(s) named in item **3**.
(If you check "intend," indicate the exact nature and duration of the contributions. For example, if you intend to furnish room and board, state for how long and, if money, state the amount in U.S. dollars and state whether it is to be given in a lump sum, weekly or monthly, and for how long.

_____

_____

_____

Oath or Affirmation of Sponsor.

I acknowledge that I have read Part III of the Instructions, Sponsor and Alien Liability, and am aware of my responsibilities as a sponsor under the Social Security Act, as amended, and the Food Stamp Act, as amended.

I swear (affirm) that I know the contents of this affidavit signed by me and that the statements are true and correct.

Signature of sponsor _____

Subscribed and sworn to (affirmed) before me this _____ **day of** _____, _____

at _____. **My commission expires on** _____

Signature of Officer Administering Oath _____ **Title** _____

If the affidavit is prepared by someone other than the sponsor, please complete the following: I declare that this document was prepared by me at the request of the sponsor and is based on all information of which I have knowledge.

_____

(Signature) **(Address)** **(Date)**

SEYFARTH ATTORNEYS SHAW LLP

IMMIGRANT VISAS FOR FAMILY MEMBERS

I. Immediate Relatives of U.S. Citizens

Persons who qualify as immediate relatives of U.S. citizens are:

- spouses of U.S. citizens;
- children of U.S. citizens (provided the child is unmarried and under the age of 21 years);
- parents of U.S. citizens (provided the citizen is 21 years of age or older).

A. Spouses of U.S. Citizens

A person who marries a U.S. citizen can qualify for green card status (immigration) so long as the marriage is not a "sham" – one that is entered into in order to obtain an immigration benefit. The marriage must be legally entered into, i.e. both parties were free to marry, all prior divorces were legal and the marriage formalities themselves are recognized as legal in the jurisdiction where the marriage occurred. **[Same-sex marriages, even if legal when entered into, are not valid for immigration.]** The marriage must still legally exist, and the parties cannot be divorced or legally separated. [However, the marriage need not be viable. Even if the parties are separated, if they have not entered into a legal separation agreement or gotten divorced, they are still considered to have a valid relationship for immigration purposes.]

Because immediate relatives of U.S. citizens (spouses, minor children, parents) are not subject to an annual cap on entry, an immigrant visa is considered to be immediately available to these individuals. In reality, however, due to USCIS and consular processing delays, it may take up to a year for these family members who are outside the United States to enter the United States because they are considered "intending immigrants." They are not eligible to receive a nonimmigrant visa to visit their petitioning U.S. citizen relative during the pendency of the process. Spouses are under the K-3 visa category (and their children derivatively).

B. Children of U.S. Citizens

Children of U.S. citizens are also eligible to immigrate. Note that "child" is strictly defined in the immigration law. This definition is complicated and has been further complicated by case decisions that must be followed by the Citizenship and Immigration Services. The following are definitions of "child:"

1. **a child born in wedlock** qualifies for immigration benefits based on his or her relationship to either parent. If under the age of 21 and unmarried, he or she is a "child" for immediate relative purposes. If married or over the age of 21, he or she is a "son or daughter" qualified in several preference categories. Such a child's parents are also "parents" for immediate relative purposes. Finally, two children born in wedlock are "brothers or sisters" for immigration purposes.

2. **a child born out of wedlock** qualifies for immigration benefits based on his or her relationship to his or her mother. If under the age of 21 and unmarried, he or she is a "child" of the mother for immediate relative purposes. If married or over the age of 21, he or she is a "son or daughter" qualified in several preference categories. The child's mother is a "parent" for immediate relative purposes. Finally, another child born to the same mother (even if the father is different) is a brother or sister for immigration purposes.

3. **a child born out of wedlock** qualifies for immigration benefits based on his or her relationship to his or her natural father if:

   a. the parent-child relationship is established by clear evidence that a legitimate parent-child relationship exists, as shown by such factors as financial support of the child and cohabitation of the parent and child; or

   b. the father had taken the steps required by the law of his place of residence, or the law of the child's place of residence, to "legitimate" the child before his or her 18th birthday, and the child had been in the father's "legal custody" at the time of such "legitimation."

   As a result of legislation enacted in 1995, a requisite relationship between a natural father and a child born out of wedlock is not established merely by showing that the law of the place of birth does not recognize any distinctions between legitimate and illegitimate children (all children are considered legitimate), or the law of the place of birth erased all distinctions between legitimate and illegitimate children prior to the child's 18th birthday. Such circumstances were sufficient under prior law.

   With regard to children legitimated prior to the age of 18, the child will be considered legitimated in most instances if the natural father has a formal declaration of paternity entered by a court. The subsequent marriage of the child's birth parents will also legitimate a child born out of wedlock in most countries. What constitutes legitimation can vary from place to place, and is likely to require legal assistance.

   The easiest way to establish a qualifying relationship between a natural father and child born out of wedlock is to show a bona fide parent-child relationship. The Citizenship and Immigration Services has stated that the bona fide relationship need only exist at the time the petition is filed or at some prior time during the child's life; there is no requisite time period during which the relationship must have existed, and the relationship will not be presumed to be invalid because it was established after the father or child became a permanent resident and was able to confer residence on the other relative.

c. **a stepchild** qualifies for immigration benefits on the basis of his or her relationship with his or her stepparent as long as the step relationship was **formed before the child's 18th birthday**. There is no requirement that the stepparent take an active parental concern in the stepchild, nor that the stepchild ever have lived with the stepparent. This category can be very useful in the case of a child who cannot establish a relationship to his or her natural father because he or she has not been "legitimated." Even if the child has not been legitimated, the child can qualify as the stepchild of the father's spouse as long as the father and his spouse marry before the child is 18. In this case, the child can qualify for immigration benefits based on his or her relationship with the father's spouse, even though he or she could not qualify for benefits through the father.

d. **adopted children** may be considered as children if the adoption occurs prior to the child's 16th birthday, the adoptive parents have legal custody of the child for two years (before or after the adoption) and the child resides with the adoptive parents for two years (before or after the adoption). If the alien child is adopted in the United States before the child's 16th birthday, the child clearly qualifies under the immigration law definition of a "child" and immigration benefits can be conferred. Adoptions outside the United States in which full legal papers are available should not present a problem in establishing that the adopted child is a "child." Adoptions following common-law principles may or may not be recognized in the jurisdiction where the adoption is purported to have occurred. These "common-law" adoptions, unaccompanied by legal papers, create a problem which is likely to require legal assistance.

Adoptions after parent's admission as permanent resident. The State Department has clarified that only children who were adopted prior to their parent's admission as a lawful permanent resident qualify for derivative classification. There is no provision for the immigration of newly adopted children of lawful permanent residents to join their parent in the United States. Only U.S. citizens may petition for children to immigrate following an adoption overseas, or in anticipation of an adoption in the United States. As a result, the only avenue open to such children is to meet the definition of "adopted" children. Once this definition is met, the lawful permanent resident parent may petition for the child in the family-based 2A preference category. Given the two-year period required to meet this definition, plus the current wait in the 2A preference category, most parents will qualify for naturalization before such a petition becomes current. In that case, the petition automatically converts to an immediate relative petition.

e. **eligible orphans** qualify for immigration benefits if

(1) they have been abandoned by or separated from both parents, or the sole surviving parent has irrevocably released the child for immigration and adoption; and

(2) the adoptive parent or parents are U.S. citizens and have adopted the child already or are in the process of adopting the child and have met the preadoption requirements of the state. The preadoption requirements can be complex and must be precisely followed. The Citizenship and Immigration Services has put together special instructions, which should be obtained, for citizens seeking to adopt an orphan.

II. Parents of U.S. Citizens

Parents of U.S. citizens are eligible to immigrate as immediate relatives, but only if the citizen is 21 years of age or older. The citizen must be able to qualify as a child of the parent according to the immigration rules, except that the citizen must be over the age of 21 and can be married. To determine whether a parent qualifies for immigration, it is essential to look at the parent-child relationship in the same way as you would if you were determining whether a child would qualify.

III. Special Issues Regarding Immediate Relatives

There are several important points to keep concerning immediate relatives:

1. Family members of the immediate relative cannot immigrate unless each of them also qualifies as an immediate relative. **Example:** A U.S. citizen marries a foreign national who has a 19-year old child. The foreign national can immigrate as an immediate relative, but the child does not qualify as a child of the citizen, since the step relationship did not exist before the child's 18th birthday, and the child is too old to qualify through adoption. The child cannot immigrate as an immediate relative of a citizen. Once the foreign national becomes a permanent resident, however, the child may qualify as a son or daughter of a resident. **Exceptions:** The children of the alien spouse of a deceased U.S. citizen may be included in the petition filed by the alien spouse, and are entitled to derivative classification even if they do not qualify as immediate relatives. Similarly, the children of a self-petitioning spouse of a U.S. citizen/abuser are also entitled to derivative classifications.

2. Qualifying as an immediate relative of a U.S. citizen has several advantages, but one disadvantage. Since an unlimited number of such aliens can immigrate each year, **there is never a waiting list for visas**. Thus, if such aliens are already in the United States, and they meet all the other requirements for adjustment of status, they can always apply for adjustment of status. Because many spouses of

U.S. citizens are granted conditional status, however, there is a risk that residence may be lost if the underlying marriage terminates within two years of obtaining residence.

3. Because the "immediate relatives" of U.S. citizens (spouses, minor children, parents) are not subject to an annual cap on entry as are all other family-sponsored immigrants, an immigrant visa is considered to be immediately available to these individuals. In reality, however, due to USCIS and consular processing delays, it may still take up to a year for these family members who are outside of the country to enter the United States. Because they are presumed to be "intending immigrants," however, they are not eligible to receive a nonimmigrant visa to visit their petitioning U.S. citizen relative during the pendency of the process. Legislation enacted in 2000 addresses this problem by expanding the "K" visa category to include spouses and any accompanying minor children of U.S. citizens with pending permanent resident papers.

IV. Other Close Family Members of U.S. Citizens or Permanent Residents

Other groups of family members of U.S. citizens or permanent resident aliens can qualify to immigrate to the United States, but are not considered as "preferred" as immediate relatives of U.S. citizens. As such, these aliens are subject to a numerically-limited number of immigrant visas available to them each year. Since only a limited number of visas are available, Congress has divided these groups into "preference" categories, ranking them in the order in which they are preferred for immigration. The higher the preference, the more quickly a visa will be allotted to the alien. Attached is an excerpt from the May Visa Bulletin issued by the Department of State reflecting the family-based categories and visa wait times for those categories.

The following categories are those to which Congress has given this preference (listed in order of preference):

- unmarried sons and daughters of U.S. citizens;
- spouses and unmarried sons and daughters of permanent resident aliens;
- married sons and daughters of U.S. citizens; and
- brothers and sisters of U.S. citizens.

Number 110
Volume VIII
Washington, D.C.

VISA BULLETIN FOR MAY 2008

Visas Home
Americans Traveling Abroad
A-Z Subject Index
Questions about Visas?
Temporary Visitors to the U.S.
Immigrants to the U.S.
Frequently Requested Visa Information
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About Visa Services

A. STATUTORY NUMBERS

1. This bulletin summarizes the availability of immigrant numbers during **May**. Consular officers are required to report to the Department of State documentarily qualified applicants for numerically limited visas; the Bureau of Citizenship and Immigration Services in the Department of Homeland Security reports applicants for adjustment of status. Allocations were made, to the extent possible under the numerical limitations, for the demand received by April **8th** in the chronological order of the reported priority dates. If the demand could not be satisfied within the statutory or regulatory limits, the category or foreign state in which demand was excessive was deemed oversubscribed. The cut-off date for an oversubscribed category is the priority date of the first applicant who could not be reached within the numerical limits. Only applicants who have a priority date **earlier than** the cut-off date may be allotted a number. Immediately that it becomes necessary during the monthly allocation process to retrogress a cut-off date, supplemental requests for numbers will be honored only if the priority date falls within the new cut-off date.

2. Section 201 of the Immigration and Nationality Act (INA) sets an annual minimum family-sponsored preference limit of 226,000. The worldwide level for annual employment-based preference immigrants is at least 140,000. Section 202 prescribes that the per-country limit for preference immigrants is set at 7% of the total annual family-sponsored and employment-based preference limits, i.e., 25,620. The dependent area limit is set at 2%, or 7,320.

3. Section 203 of the INA prescribes preference classes for allotment of immigrant visas as follows:

FAMILY-SPONSORED PREFERENCES

First: Unmarried Sons and Daughters of Citizens: 23,400 plus any numbers not required for fourth preference.

Second: Spouses and Children, and Unmarried Sons and Daughters of Permanent
Residents: 114,200, plus the number (if any) by which the worldwide family preference level exceeds 226,000, and any unused first preference numbers:

A. Spouses and Children: 77% of the overall second preference limitation, of which 75% are exempt from the per-country limit;

B. Unmarried Sons and Daughters (21 years of age or older): 23% of the overall second preference limitation.

Third: Married Sons and Daughters of Citizens: 23,400, plus any numbers not required by first and second preferences.

Fourth: Brothers and Sisters of Adult Citizens: 65,000, plus any numbers not required by first three preferences.

preference level, plus any numbers not required for fourth and fifth preferences.

Second: Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability: 28.6% of the worldwide employment-based preference
level, plus any numbers not required by first preference.

Third: Skilled Workers, Professionals, and Other Workers: 28.6% of the worldwide level, plus any numbers not required by first and second
preferences, not more than 10,000 of which to "Other Workers".

Fourth: Certain Special Immigrants: 7.1% of the worldwide level.

Fifth: Employment Creation: 7.1% of the worldwide level, not less than 3,000 of which reserved for investors in a targeted rural or high-unemployment area, and 3,000 set aside for investors in regional centers by Sec. 610 of P.L. 102-395.

4. INA Section 203(e) provides that family-sponsored and employment-based preference visas be issued to eligible immigrants in the order in which a petition in behalf of each has been filed. Section 203(d) provides that spouses and children of preference immigrants are entitled to the same status, and the same order of consideration, if accompanying or following to join the principal. The visa prorating provisions of Section 202(e) apply to allocations for a foreign state or dependent area when visa demand exceeds the per-country limit. These provisions apply at present to the following oversubscribed chargeability areas: CHINA-mainland born, INDIA, MEXICO, and PHILIPPINES.

5. On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are available for all qualified applicants; and "U" means unavailable, i.e., no numbers are available. (NOTE: Numbers are available only for applicants whose priority date is **earlier** than the cut-off date listed below.)

Fam-ily	All Charge-ability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPP-INES
1st	08MAR02	08MAR02	08MAR02	08JUL92	15MAR93
2A	08JUN03	08JUN03	08JUN03	01MAY02	08JUN03
2B	01JUN99	01JUN99	01JUN99	01APR92	15FEB97
3rd	08JUN00	08JUN00	08JUN00	22JUL92	01APR91
4th	08AUG97	15JAN97	01JAN97	15DEC94	08MAR86

***NOTE:** For May, 2A numbers **EXEMPT from per-country limit** are available to applicants from all countries with priority dates **earlier** than 01MAY02. 2A numbers **SUBJECT to per-country limit** are available to applicants chargeable to all countries **EXCEPT MEXICO** with priority dates beginning 01MAY02 and earlier than 08JUN03. (All 2A numbers provided for MEXICO are exempt from the per-country limit; there are no 2A numbers for MEXICO subject to per-country limit.)

SEYFARTH SHAW LLP
ATTORNEYS

FILING THE IMMIGRANT PETITION FOR A FAMILY MEMBER

I. Introduction

A citizen or lawful permanent resident of the United States may file Form I-130 (a copy is attached) with U.S. Citizenship and Immigration Services (USCIS) to establish the existence of a relationship to certain alien relatives who wish to immigrate to the United States. This is important because filing the form is a necessary first step to obtaining a green card and because filing the form gets the beneficiary "in line" for a visa.

II. Who May File Form I-130?

A. A U.S. citizen must file a separate Form I-130 for each eligible relative. A U.S. citizen may file a Form I-130 for:

- His/her husband or wife;
- His/her son or daughter;
- His/her brother(s) or sister(s) (the U.S. citizen must be age 21 or older);
- His/her mother or father (the U.S. citizen must be age 21 or older).

B. A lawful permanent resident (LPR) of the United States may file this form for:

- His/her husband or wife;
- His/her unmarried son or daughter.

III. What Documents Should Be Filed to Prove the Family Relationship?

The petitioner must prove that there is a family relationship between himself and his relative.

A. If the petitioner is filing for his/her **husband or wife,** s/he should submit the following documentation:

- A copy of the marriage certificate.
- If either spouse was previously married, submit copies of documents showing that all prior marriages were legally terminated.
- A passport-style color photo (one each) of both the petitioner and his/her spouse, taken within 30 days of the date of the filing date. The photos must have a white background and be glossy, unretouched, and not mounted. The dimensions of the full frontal facial image should be about

1 inch from the chin to top of the hair. Using pencil or felt pen, the petitioner should lightly print the name (and Alien Registration Number, if known) on the back of each photograph.

- A completed and signed Form G-325A, Biographic Information, for the petitioner and a Form G-325A for his/her husband or wife. Except for the petitioner's name and signature, there is no need to repeat on Form G-325A the information given on Form I-130.

NOTE: In addition to the required documentation listed above, the petitioner should submit one or more of the following types of documentation that may evidence the bona fides of the marriage:

- Documentation showing joint ownership or property; or
- A lease showing joint tenancy of a common residence; or
- Documentation showing co-mingling of financial resources; or
- Birth certificate(s) of child(ren) born to the petitioner and his/her spouse together; or
- Affidavits sworn to or affirmed by third parties having personal knowledge of the bona fides of the marital relationship. (Each affidavit must contain the full name and address, date and place of birth of the person making the affidavit, his or her relationship to the petitioner or beneficiary, if any, and complete information and details explaining how the person acquired his or her knowledge regarding the marriage); or
- Any other relevant documentation to establish that there is an ongoing marital union.

NOTE: If the marriage occurred while the petitioner's husband or wife was the subject of an exclusion, deportation, removal, or rescission proceeding (including judicial review of the decision in one of these proceedings), the evidence submitted must be sufficient to establish the bona fides of the marriage by clear and convincing evidence (this is a heavier burden).

B. If the petitioner is filing for his/her **child** and the **petitioner is the mother:**

Submit a copy of the child's birth certificate showing the petitioner's name and the name of the child.

C. If the petitioner is filing for his/her **child** and the **petitioner is the father:**

Submit a copy of the child's birth certificate showing both parents' names and a copy of the marriage certificate showing that the parents were married at the time of the child's birth.

D. If the petitioner is filing for his/her **child born out of wedlock** and the **petitioner is the father:**

If the child was not legitimated before reaching 18 years old, the petitioner must file the petition with copies of evidence that a bona fide parent-child relationship existed between the father and the child before the child reached 21 years of age. This may include evidence that the father lived with the child, supported him or her, or otherwise showed continuing parental interest in the child's welfare.

E. If the petitioner is filing for his/her **brother or sister:**

The petitioner should submit a copy of his/her birth certificate and a copy of his/her brother's or sister's birth certificate showing that they have at least one common parent. If the petitioner and his/her brother or sister have a common father but different mothers, the petitioner should submit copies of the marriage certificates of the father to each mother and copies of documents showing that any prior marriages of either the father or mothers were legally terminated.

F. If the petitioner is filing for his/her **mother:**

The petitioner should submit a copy of his/her birth certificate showing his/her name and his/her mother's name.

G. If the petitioner is filing for his/her **father:**

The petitioner should submit a copy of his/her birth certificate showing the names of both parents. The petitioner should also submit a copy of his/her parents' marriage certificate establishing that his/her father was married to his/her mother before he/she was born, and copies of documents showing that any prior marriages of either the father or mother were legally terminated.

H. Stepparent/Stepchild:

If the petition is based on a stepparent-stepchild relationship, the petition must be filed with a copy of the marriage certificate of the stepparent to the child's natural parent showing that the marriage occurred before the child's 18th birthday, copies of documents showing that any prior marriages were legally terminated and a copy of the stepchild's birth certificate.

I. Adoptive parent or adopted child:

If the petitioner and the beneficiary are related by adoption, the petitioner must submit a copy of the adoption decree(s) showing that the adoption took place before the child became 16 years old.

IV. Where To File?

File the form according to the instructions listed on the form itself or as instructed at www.uscis.gov.

V. What Is the Filing Fee?

The filing fee for a Form I-130 is **$355**. A check or money order should be filed with the petition and should be made payable to the U.S. Department of Homeland Security. (If the petitioner lives in Guam or the U.S. Virgin Islands, see the Form I-130 instructions for separate fee information.) If the petitioner lives outside of the United States, Guam, or the U.S. Virgin Islands, contact the nearest U.S. Embassy or consulate for instructions on the method of payment.

VI. When Will a Visa Become Available?

When a petition is approved for the husband, wife, parent, or unmarried minor child of a United States citizen, these persons are classified as immediate relatives. They do not have to wait for a visa number because immediate relatives are not subject to the immigrant visa limit. If in the U.S., these individuals may concurrently file the I-485 (see the attached materials for a copy of the form).

For alien relatives in preference categories, a limited number of immigrant visas are issued each year. The visas are processed in the order in which the petitions are properly filed and accepted by USCIS. To be considered properly filed, a petition must be fully completed and signed, and the fee must be paid. The date that the I-130 petition is accepted by the USCIS becomes the priority date for that individual. The visa bulletin that is issued every month by the Department of State enables an individual determine if his/her priority date is current (see the attached materials for the May 2008 visa bulletin). If an individual's date is current, a visa number is available for that person, and that person will be eligible to receive the green card. (Note that to obtain the green card, individuals must apply for the card through either adjustment of status or consular processing as described below.)

For a monthly report on the dates when immigrant visas are available, call the **U.S. Department of State at (202) 663-1541**, or visit: www.travel.state.gov.

VII. Adjustment of Status v. Consular Processing

There are two ways in which to obtain U.S. lawful permanent residence status, also referred to as "green card" status: (1) by filing the Adjustment of Status application (I-485), while physically present in the United States, or (2) by filing an immigrant visa application at the United States consulate in the foreign country of last residence, called "Consular Processing."

As mentioned above, individuals may be eligible to file the I-485 Application to Adjust Status application concurrently with the I-130 Immediate Relative petition. Additional

information about adjustment of status is covered in the adjustment of status section of this handbook.

There are several steps involved in completing consular processing. These steps do not commence until the I-130 Immediate Relative petition has been approved. Once the petition is approved and visa numbers are available according to the foreign national's priority date and preference category, that individual will receive instructions from the National Visa Center ("NVC") on how to proceed. It should be noted that Consular Processing does not affect the ability to travel to and from the United States so long as there is a valid temporary visa to use to enter the United States.

The main difference between the two options is that with the adjustment of status option, an individual may go ahead and file the I-485 concurrently with the I-130, where as with consular processing, that person must wait until the I-130 is approved and visa numbers are available to pursue the next step in processing. However, it should be noted that even though an individual may file the I-485 and I-130 at the same time, a green card will not be issued to the applicant until a visa number is available according to the visa bulletin.

VIII. Notice to Persons Filing for Spouses, If Married Less Than Two Years

Pursuant to section 216 of the Immigration and Nationality Act, an individual's spouse may be granted conditional permanent resident status in the United States as of the date he or she is admitted or adjusted to conditional status by a USCIS officer. Both husband and wife must file Form I-751, Joint Petition to Remove Conditional Basis of Alien's Permanent Resident Status, during the 90-day period immediately before the second anniversary of the date the individual's spouse was granted conditional permanent resident status. See the materials regarding adjustment of status for additional details.

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

OMB #1615-0012; Expires 01/31/11

I-130, Petition for Alien Relative

DO NOT WRITE IN THIS BLOCK - FOR USCIS OFFICE ONLY

A#

Section of Law/Visa Category
- ☐ 201(b) Spouse - IR-1/CR-1
- ☐ 201(b) Child - IR-2/CR-2
- ☐ 201(b) Parent - IR-5
- ☐ 203(a)(1) Unm. S or D - F1-1
- ☐ 203(a)(2)(A)Spouse - F2-1
- ☐ 203(a)(2)(A) Child - F2-2
- ☐ 203(a)(2)(B) Unm. S or D - F2-4
- ☐ 203(a)(3) Married S or D - F3-1
- ☐ 203(a)(4) Brother/Sister - F4-1

Action Stamp

Fee Stamp

Petition was filed on: _____ (priority date)
- ☐ Personal Interview
- ☐ Pet. ☐ Ben. " A" File Reviewed
- ☐ Field Investigation
- ☐ 203(a)(2)(A) Resolved
- ☐ Previously Forwarded
- ☐ I-485 Filed Simultaneously
- ☐ 204(g) Resolved
- ☐ 203(g) Resolved

Remarks:

A. Relationship

You are the petitioner. Your relative is the beneficiary.

1. I am filing this petition for my: ☐ Husband/Wife ☐ Parent ☐ Brother/Sister ☐ Child

2. Are you related by adoption? ☐ Yes ☐ No

3. Did you gain permanent residence through adoption? ☐ Yes ☐ No

B. Information about you

1. **Name** (Family name in CAPS) (First) (Middle)

2. **Address** (Number and Street) (Apt. No.)

(Town or City) (State/Country) (Zip/Postal Code)

3. **Place of Birth** (Town or City) (State/Country)

4. **Date of Birth**

5. **Gender** ☐ Male ☐ Female

6. **Marital Status** ☐ Married ☐ Single ☐ Widowed ☐ Divorced

7. **Other Names Used** (including maiden name)

8. **Date and Place of Present Marriage** (if married)

9. **U.S. Social Security Number** (If any)

10. **Alien Registration Number**

11. **Name(s) of Prior Husband(s)/Wive(s)**

12. **Date(s) Marriage(s) Ended**

13. **If you are a U.S. citizen, complete the following:**

My citizenship was acquired through (check one):
- ☐ Birth in the U.S.
- ☐ Naturalization. Give certificate number and date and place of issuance.

☐ Parents. Have you obtained a certificate of citizenship in your own name?
☐ Yes. Give certificate number, date and place of issuance. ☐ No

14. **If you are a lawful permanent resident alien, complete the following:**

Date and place of admission for or adjustment to lawful permanent residence and class of admission.

14b. **Did you gain permanent resident status through marriage to a U.S. citizen or lawful permanent resident?** ☐ Yes ☐ No

C. Information about your relative

1. **Name** (Family name in CAPS) (First) (Middle)

2. **Address** (Number and Street) (Apt. No.)

(Town or City) (State/Country) (Zip/Postal Code)

3. **Place of Birth** (Town or City) (State/Country)

4. **Date of Birth**

5. **Gender** ☐ Male ☐ Female

6. **Marital Status** ☐ Married ☐ Single ☐ Widowed ☐ Divorced

7. **Other Names Used** (including maiden name)

8. **Date and Place of Present Marriage** (if married)

9. **U.S. Social Security Number** (If any)

10. **Alien Registration Number**

11. **Name(s) of Prior Husband(s)/Wive(s)**

12. **Date(s) Marriage(s) Ended**

13. **Has your relative ever been in the U.S.?** ☐ Yes ☐ No

14. **If your relative is currently in the U.S., complete the following:**
He or she arrived as a:
(visitor, student, stowaway, without inspection, etc.)

Arrival/Departure Record (I-94) **Date arrived**

Date authorized stay expired, or will expire, as shown on Form I-94 or I-95

15. **Name and address of present employer** (if any)

Date this employment began

16. **Has your relative ever been under immigration proceedings?**

☐ No ☐ Yes Where _____ When _____

☐ Removal ☐ Exclusion/Deportation ☐ Rescission ☐ Judicial Proceedings

INITIAL RECEIPT _____ RESUBMITTED _____ RELOCATED: Rec'd _____ Sent _____ COMPLETED: Appv'd _____ Denied _____ Ret'd _____

C. Information about your alien relative (continued)

17. List husband/wife and all children of your relative.

(Name) (Relationship) (Date of Birth) (Country of Birth)

18. Address in the United States where your relative intends to live.

(Street Address) (Town or City) (State)

19. Your relative's address abroad. (Include street, city, province and country) Phone Number (if any)

20. If your relative's native alphabet is other than Roman letters, write his or her name and foreign address in the native alphabet.

(Name) Address (Include street, city, province and country):

21. If filing for your husband/wife, give last address at which you lived together. (Include street, city, province, if any, and country):

From: **To:**

22. Complete the information below if your relative is in the United States and will apply for adjustment of status.

Your relative is in the United States and will apply for adjustment of status to that of a lawful permanent resident at the USCIS office in:

If your relative is not eligible for adjustment of status, he or she will apply for a visa abroad at the American consular post in:

(City) (State) (City) (Country

NOTE: Designation of an American embassy or consulate outside the country of your relative's last residence does not guarantee acceptance for processing by that post. Acceptance is at the discretion of the designated embassy or consulate.

D. Other information

1. If separate petitions are also being submitted for other relatives, give names of each and relationship.

2. Have you ever before filed a petition for this or any other alien? ☐ Yes ☐ No

If "Yes," give name, place and date of filing and result.

WARNING: USCIS investigates claimed relationships and verifies the validity of documents. USCIS seeks criminal prosecutions when family relationships are falsified to obtain visas.

PENALTIES: By law, you may be imprisoned for not more than five years or fined $250,000, or both, for entering into a marriage contract for the purpose of evading any provision of the immigration laws. In addition, you may be fined up to $10,000 and imprisoned for up to five years, or both, for knowlingly and willfully falsifying or concealing a material fact or using any false document in submitting this petition.

YOUR CERTIFICATION: I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Furthermore, I authorize the release of any information from my records that the U.S. Citizenship and Immigration Services needs to determine eligiblity for the benefit that I am seeking.

E. Signature of petitioner.

Date Phone Number ( )

F. Signature of person preparing this form, if other than the petitioner.

I declare that I prepared this document at the request of the person above and that it is based on all information of which I have any knowledge.

Print Name Signature Date

Address **G-28 ID or VOLAG Number, if any.**

Visa Bulletin

Number 118
Volume VIII
Washington, D.C.

VISA BULLETIN FOR MAY 2008

A. STATUTORY NUMBERS

1. This bulletin summarizes the availability of immigrant numbers during **May**. Consular officers are required to report to the Department of State documentarily qualified applicants for numerically limited visas; the Bureau of Citizenship and Immigration Services in the Department of Homeland Security reports applicants for adjustment of status. Allocations were made, to the extent possible under the numerical limitations, for the demand received by April **8th** in the chronological order of the reported priority dates. If the demand could not be satisfied within the statutory or regulatory limits, the category or foreign state in which demand was excessive was deemed oversubscribed. The cut-off date for an oversubscribed category is the priority date of the first applicant who could not be reached within the numerical limits. Only applicants who have a priority date **earlier than** the cut-off date may be allotted a number. Immediately that it becomes necessary during the monthly allocation process to retrogress a cut-off date, supplemental requests for numbers will be honored only if the priority date falls within the new cut-off date.

2. Section 201 of the Immigration and Nationality Act (INA) sets an annual minimum family-sponsored preference limit of 226,000. The worldwide level for annual employment-based preference immigrants is at least 140,000. Section 202 prescribes that the per-country limit for preference immigrants is set at 7% of the total annual family-sponsored and employment-based preference limits, i.e., 25,620. The dependent area limit is set at 2%, or 7,320.

3. Section 203 of the INA prescribes preference classes for allotment of immigrant visas as follows:

FAMILY-SPONSORED PREFERENCES

First: Unmarried Sons and Daughters of Citizens: 23,400 plus any numbers not required for fourth preference.

Second: Spouses and Children, and Unmarried Sons and Daughters of Permanent Residents: 114,200, plus the number (if any) by which the worldwide family preference level exceeds 226,000, and any unused first preference numbers:

A. Spouses and Children: 77% of the overall second preference limitation, of which 75% are exempt from the per-country limit;

B. Unmarried Sons and Daughters (21 years of age or older): 23% of the overall second preference limitation.

Third: Married Sons and Daughters of Citizens: 23,400, plus any numbers not required by first and second preferences.

Fourth: Brothers and Sisters of Adult Citizens: 65,000, plus any numbers not required by first three preferences.

EMPLOYMENT-BASED PREFERENCES

First: Priority Workers: 28.6% of the worldwide employment-based preference level, plus any numbers not required for fourth and fifth preferences.

Second: Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability: 28.6% of the worldwide employment-based preference level, plus any numbers not required by first preference.

Third: Skilled Workers, Professionals, and Other Workers: 28.6% of the worldwide level, plus any numbers not required by first and second
preferences, not more than 10,000 of which to "Other Workers".

Fourth: Certain Special Immigrants: 7.1% of the worldwide level.

Fifth: Employment Creation: 7.1% of the worldwide level, not less than 3,000 of which reserved for investors in a targeted rural or high-unemployment area, and 3,000 set aside for investors in regional centers by Sec. 610 of P.L. 102-395.

4. INA Section 203(e) provides that family-sponsored and employment-based preference visas be issued to eligible immigrants in the order in which a petition in behalf of each has been filed. Section 203(d) provides that spouses and children of preference immigrants are entitled to the same status, and the same order of consideration, if accompanying or following to join the principal. The visa prorating provisions of Section 202 (e) apply to allocations for a foreign state or dependent area when visa demand exceeds the per-country limit. These provisions apply at present to the following oversubscribed chargeability areas: CHINA-mainland born, INDIA, MEXICO, and PHILIPPINES.

5. On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are available for all qualified applicants; and "U" means unavailable, i.e., no numbers are available. (NOTE: Numbers are available only for applicants whose priority date is **earlier** than the cut-off date listed below.)

Fam-ily	**All Charge-ability Areas Except Those Listed**	**CHINA-mainland born**	**INDIA**	**MEXICO**	**PHILIPP-INES**
1st	08MAR02	08MAR02	08MAR02	08JUL92	15MAR93
2A	08JUN03	08JUN03	08JUN03	01MAY02	08JUN03
2B	01JUN99	01JUN99	01JUN99	01APR92	15FEB97
3rd	08JUN00	08JUN00	08JUN00	22JUL92	01APR91
4th	08AUG97	15JAN97	01JAN97	15DEC94	08MAR86

***NOTE:** For May, 2A numbers **EXEMPT from per-country limit** are available to applicants from all countries with priority dates **earlier** than 01MAY02. 2A numbers **SUBJECT to per-country limit** are available to applicants chargeable to all countries **EXCEPT MEXICO** with priority dates beginning 01MAY02 and earlier than 08JUN03. (All 2A numbers provided for MEXICO are exempt from the per-country limit; there are no 2A numbers for MEXICO subject to per-country limit.)

	All Charge-ability Areas Except Those Listed	**CHINA-mainland born**	**INDIA**	**MEXICO**	**PHILIP-PINES**
Employ-ment -Based					
1st	C	C	C	C	C
2nd	C	01JAN04	01JAN04	C	C
3rd	01MAR06	22MAR03	01NOV01	01JUL02	01MAR06
Other Workers	01JAN03	01JAN03	01JAN03	01JAN03	01JAN03

4th	C	C	C	C	C
Certain Religious Workers	C	C	C	C	C
5th	C	C	C	C	C
Targeted Employ-ment Areas/ Regional Centers	C	C	C	C	C

The Department of State has available a recorded message with visa availability information which can be heard at: (area code 202) 663-1541. This recording will be updated in the middle of each month with information on cut-off dates for the following month.

Employment Third Preference Other Workers Category: Section 203(e) of the NACARA, as amended by Section 1(e) of Pub. L. 105-139, provides that once the Employment Third Preference Other Worker (EW) cut-off date has reached the priority date of the latest EW petition approved prior to November 19, 1997, the 10,000 EW numbers available for a fiscal year are to be reduced by up to 5,000 annually beginning in the following fiscal year. This reduction is to be made for as long as necessary to offset adjustments under the NACARA program. Since the EW cut-off date reached November 19, 1997 during Fiscal Year 2001, the reduction in the EW annual limit to 5,000 began in Fiscal Year 2002.

B. DIVERSITY IMMIGRANT (DV) CATEGORY

Section 203(c) of the Immigration and Nationality Act provides a maximum of up to 55,000 immigrant visas each fiscal year to permit immigration opportunities for persons from countries other than the principal sources of current immigration to the United States. The Nicaraguan and Central American Relief Act (NACARA) passed by Congress in November 1997 stipulates that beginning with DV-99, and for as long as necessary, up to 5,000 of the 55,000 annually-allocated diversity visas will be made available for use under the NACARA program. **This reduction has resulted in the DV-2008 annual limit being reduced to 50,000**. DV visas are divided among six geographic regions. No one country can receive more than seven percent of the available diversity visas in any one year.

For **May**, immigrant numbers in the DV category are available to qualified DV-2008 applicants chargeable to all regions/eligible countries as follows. When an allocation cut-off number is shown, visas are available only for applicants with DV regional lottery rank numbers **BELOW** the specified allocation cut-off number:

Region	All DV Chargeability Areas Except Those Listed Separately	
AFRICA	26,700	Except: Egypt: 20,500 Ethiopia: 16,000 Nigeria: 11,600
ASIA	10,500	
EUROPE	23,500	
NORTH AMERICA (BAHAMAS)	12	
OCEANIA	1,400	

SOUTH AMERICA, and the CARIBBEAN	1,550	

Entitlement to immigrant status in the DV category lasts only through the end of the fiscal (visa) year for which the applicant is selected in the lottery. The year of entitlement for all applicants registered for the DV-2008 program ends as of September 30, 2008. DV visas may not be issued to DV-2008 applicants after that date. Similarly, spouses and children accompanying or following to join DV-2008 principals are only entitled to derivative DV status until September 30, 2008. DV visa availability through the very end of FY-2008 cannot be taken for granted. Numbers could be exhausted prior to September 30.

C. ADVANCE NOTIFICATION OF THE DIVERSITY (DV) IMMIGRANT CATEGORY RANK CUT-OFFS WHICH WILL APPLY IN JUNE

For **June**, immigrant numbers in the DV category are available to qualified DV-2008 applicants chargeable to all regions/eligible countries as follows. When an allocation cut-off number is shown, visas are available only for applicants with DV regional lottery rank numbers **BELOW** the specified allocation cut-off number:

Region	All DV Chargeability Areas Except Those Listed Separately	
AFRICA	32,000	Except: Egypt: 22,000 Ethiopia: 17,750 Nigeria: 13,000
ASIA	11,900	
EUROPE	26,000	
NORTH AMERICA (BAHAMAS)	12	
OCEANIA	1,500	
SOUTH AMERICA, and the CARIBBEAN	1,700	

D. MEXICO F2A VISA AVAILABILITY DURING THE COMING MONTHS

Continued heavy demand in the Mexico F2A category may require the retrogression of this cut-off date to hold number use within the annual numerical limit. Such action could occur as early as June.

E. EMPLOYMENT VISA AVAILABILITY

Many of the Employment cut-off dates have continued to advance more rapidly than might ordinarily be expected. This is a result of consultations with U.S. Citizenship and Immigration Services (USCIS) regarding their pending demand, which is currently using approximately 90% of all Employment numbers. USCIS has indicated that they would prefer to review a substantial number of cases at this time to ensure that number use in the various categories can be maximized. Should USCIS projections of the resulting number use prove to be incorrect it may be necessary to adjust the cut-off dates during the final quarter of FY-2008.

F. OBTAINING THE MONTHLY VISA BULLETIN

The Department of State's Bureau of Consular Affairs offers the monthly "Visa Bulletin" on the INTERNET'S

WORLDWIDE WEB. The INTERNET Web address to access the Bulletin is:

http://travel.state.gov

From the home page, select the VISA section which contains the Visa Bulletin.

To be **placed on** the Department of State's E-mail subscription list for the "Visa Bulletin", please send an E-mail to the following E-mail address:

listserv@calist.state.gov

and in the message body type:
Subscribe Visa-Bulletin *First name/Last name*
(example: Subscribe Visa-Bulletin Sally Doe)

To be **removed from** the Department of State's E-mail subscription list for the "Visa Bulletin", send an e-mail message to the following E-mail address:

listserv@calist.state.gov

and in the message body type: **Signoff Visa-Bulletin**

The Department of State also has available a recorded message with visa cut-off dates which can be heard at: (area code 202) 663-1541. The recording is normally updated by the middle of each month with information on cut-off dates for the following month.

Readers may submit questions regarding Visa Bulletin related items by E-mail at the following address:

VISABULLETIN@STATE.GOV

(This address cannot be used to subscribe to the Visa Bulletin.)

Department of State Publication 9514
CA/VO:April 8, 2008

SEYFARTH SHAW LLP
ATTORNEYS

WORK AUTHORIZATION FOR SPOUSES

I. Introduction

There are limited work authorization options for spouses who are not U.S. citizens. Spouses may apply for employment authorization as part of the Adjustment of Status Application (Form I-485), which is the second (and last) step in the family-based permanent residence ("green card") process by concurrently or separately filing a Form I-765, Application for Employment Authorization. Alternatively, spouses may obtain an employment-based nonimmigrant visa (such as H-1B and TN) through sponsorship from an employer.

II. Form I-765, Application for Employment Authorization

A. General Information

Spouses may apply for an Employment Authorization Document (EAD) concurrently with or subsequently to the Adjustment of Status Application (AOS/Form I-485) in the family-based permanent residence ("green card") process pursuant to 8 CFR 274a.12 (c) (9). The typical processing time for an EAD is 60-90 days.

Employment is authorized only with an approved EAD card in hand (a pending application is not sufficient). The EAD card is valid for one year from the date of approval and is renewable (in one-year increments) so long as the AOS is pending. The EAD is valid for work authorization with any employer.

B. Filing Fee

If the application is filed concurrently with Form I-485, Application for Permanent Residence, no additional fee is required If the application is filed subsequently to Form I-485, the application fee is $340 per application/renewal.

C. Requirements

See the attached Checklist with Sample Form I-765.

III. Obtaining an employment-based nonimmigrant visa through employer sponsorship

A. H-1Bs

H-1B visas are available to professionals who will hold a position in the U.S. which requires at least a bachelor's degree and who possess at least the equivalent of a U.S. bachelor's degree and in the required field. The U.S. employer must file a petition on behalf of the foreign national. Initial petitions are granted for up to 3 years, with a maximum total of 6 years in H-1B status.

Except for Chilean and Singaporean nationals, those seeking H-1B visas are subject to an annual quota, the "H-1B Cap." Under the H-1B rules, a petition can be filed

as early as April 1st each year, with an effective start date of October 1st of that same year. For the past few years, the annual quota was reached on the first day of filing eligibility. The most conservative strategy is to assume that the H-1B numbers will be unavailable as of the first day of filing eligibility (April 1st), so it is important to plan employment and sponsorship early.

B. TNs

TNs are available to Mexican and Canadian nationals for temporary professional employment in limited categories (such as Accountant, Biochemist, Engineer, Computer Systems Analyst) under NAFTA.

The U.S. employer must file a petition on behalf of the foreign national. Petitions are granted in 1-year increments and may be extended for a limited time. Although there is not a legislated maximum, the temporary intent of the visa may be questioned for employment lasting longer than 3-4 years.

C. Other Employment-Eligible Nonimmigrant Visas

L-1s are available to key executives/managers and specialized employees of a foreign company who will be transferred for a temporary period of time from an affiliated company in the United States.

O-1s are available to outstanding researchers and/or foreign nationals of extraordinary ability in a particular field.

E-3s are available to Australian nationals meeting certain requirements, which generally mirror the H-1B requirements set out above.

F-1s are available to students in U.S. degree programs and may authorize employment (ex: internship) for Curricular Practical Training and/or Optional Practical Training. In most cases, employer sponsorship is not required.

K-1s are available to the foreign national fiancée of a U.S. citizen [and to the fiancée's unmarried children under 21, who are eligible for derivative K-2 visa status] who will enter the U.S. for marriage within 90 days of entry (assuming, with limited exceptions, that both individuals are free to marry and that the two have met in person within the past 2 years). K-3s are available to the foreign national spouse of a U.S. citizen who will enter the U.S. to complete processing for permanent resident status [and to the foreign national spouse's unmarried children under 21, who are eligible for derivative K-4 visa status]. Employer sponsorship is not required.

SEYFARTH SHAW LLP
ATTORNEYS

MEMORANDUM

TO: Applicants for Employment Authorization (EAD/I-765)

FROM: The Immigration Practice Group of Seyfarth Shaw LLP

DATE: April 10, 2008

RE: Checklist for Filing Form I-765

This Memorandum provides a general checklist for filing Form I-765, Application for Employment Authorization, concurrently with or separately from (but subsequent to) the Adjustment of Status Application (AOS/Form I-485) in the permanent residence ("green card") process.

The following are enclosed for applying for an Employment Authorization Document (EAD):

- **Form I-765, Application for Employment Authorization**: Please fill out the form completely to obtain employment authorization. The form can also be found at the following website: http://www.uscis.gov/files/form/I-765.pdf.

- Instructions for Form I-765

The following supporting documents must also be submitted with the application:

- Check (payable to the Department of Homeland Security) in the amount of $340 (Note: If the application is filed concurrently with Form I-485, Application for Permanent Residence, no additional fee is required)

- 2 (2"x 2") color photographs – Photographs must have been taken within the 30 days prior to filing. Photos must be a full face, frontal view and must have a white to off-white background, be printed on thin paper with a glossy finish and be un-mounted and un-retouched. The head should measure 1" to 1 3/8" from the top of the hair to the bottom of the chin. Print the applicant's name and A# on the back of the photograph.

- Copy of Form I-797 receipt notice for Form I-485, Application for Permanent Residence

- Copy of marriage certificate and translation (if applicable)

- A copy (front and back) of the previous EAD card (if renewal)

SEYFARTH SHAW LLP
ATTORNEYS

The application should be filed at the following address:

USCIS
Attn: FBASI
427 S. LaSalle - 3rd Floor
Chicago, IL 60605-1029

OMB No. 1615-0040; Expires 08/31/08

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

I-765, Application For Employment Authorization

Do not write in this block.

Remarks	Action Block	Fee Stamp
A#		
Applicant is filing under §274a.12 _____		

☐ Application Approved. Employment Authorized / Extended *(Circle One)* until _____ (Date).
_____ (Date).
Subject to the following conditions: _____
☐ Application Denied.
☐ Failed to establish eligibility under 8 CFR 274a.12 (a) or (c).
☐ Failed to establish economic necessity as required in 8 CFR 274a.12(c)(14), (18) and 8 CFR 214.2(f)

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

1. Name (Family Name in CAPS) (First) (Middle)

2. Other Names Used (Include Maiden Name)

3. Address in the United States (Number and Street) (Apt. Number)

(Town or City) (State/Country) (ZIP Code)

4. Country of Citizenship/Nationality

5. Place of Birth (Town or City) (State/Province) (Country)

6. Date of Birth (mm/dd/yyyy)

7. Gender ☐ Male ☐ Female

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

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

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

11. Have you ever before applied for employment authorization from USCIS?
☐ Yes (If yes, complete below) ☐ No

Which USCIS Office? Date(s)

Results (Granted or Denied - attach all documentation)

12. Date of Last Entry into the U.S. (mm/dd/yyyy)

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

14. Manner of Last Entry (Visitor, Student, etc.)

15. Current Immigration Status (Visitor, Student, etc.)

16. Go to **Part 2** of the Instructions, Eligibility Categories. In the space below, place the letter and number of the category you selected from the instructions (For example, (a)(8), (c)(17)(iii), etc.).

Eligibility under 8 CFR 274a.12

( ) ( ) ( )

Certification.

Your Certification: I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Furthermore, I authorize the release of any information that the U.S. Citizenship and Immigration Services needs to determine eligibility for the benefit I am seeking. I have read the Instructions in **Part 2** and have identified the appropriate eligibility category in **Block 16.**

Signature Telephone Number Date

Signature of person preparing form, if other than above: I declare that this document was prepared by me at the request of the applicant and is based on all information of which I have any knowledge.

Print Name Address *Signature* Date

Remarks	Initial Receipt	Resubmitted	Relocated		Completed		
			Rec'd	Sent	Approved	Denied	Returned

OMB No. 1615-0040; Expires 08/31/08

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

Instructions for I-765, Application for Employment Authorization

Instructions

Please read these instructions carefully to properly complete this form. If you need more space to complete an answer, use a separate sheet(s) of paper. Write your name and Alien Registration Number (A #), if any, at the top of each sheet of paper and indicate the part and number of the item to which the answer refers.

The filing addresses provided on this form reflect the most current information as of the date this form was last printed. If you are filing Form I-765 more than 30 days after the latest edition date shown in the lower right-hand corner, please visit our website at www.uscis.gov **before you file**, and check the Forms and Fees page to confirm the correct filing address and version currently in use. Check the edition date located in the lower right-hand corner of the form. If the edition date on your Form I-765 matches the edition date listed for Form I-765 on the online Forms and Fees page, your version is current and will be accepted by USCIS. If the edition date on the online version is later, download a copy and use the online version. If you do not have internet access, call the National Customer Service Center at 1-800-375-5283 to verify the current filing address and edition date. **Improperly filed forms will be rejected, and the fee returned, with instructions to resubmit the entire filing using the current form instructions.**

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What Is the Purpose of This Form?

Certain aliens who are temporarily in the United States may file a Form I-765, Application for Employment Authorization, to request an Employment Authorization Document (EAD). Other aliens who are authorized to work in the United States without restrictions should also use this form to apply to USCIS for a document evidencing such authorization. Please review **Eligibility Categories** to determine whether you should use this form.

If you are a Lawful Permanent Resident, a Conditional Resident, or a nonimmigrant authorized to be employed with a specific employer under 8 CFR 274a.12(b), please do **not** use this form.

Definitions.

Employment Authorization Document (EAD): Form I-688, Form I-688A, Form I-688B, Form I-766, or any successor document issued by USCIS as evidence that the holder is authorized to work in the United States.

Renewal EAD: An EAD issued to an eligible applicant at or after the expiration of a previous EAD issued under the same category.

Replacement EAD: An EAD issued to an eligible applicant when the previously issued EAD has been lost, stolen, mutilated, or contains erroneous information, such as a misspelled name.

Interim EAD: An EAD issued to an eligible applicant when USCIS has failed to adjudicate an application within 90 days of receipt of a properly filed EAD application or within 30 days of a properly filed initial EAD application based on an asylum application filed on or after January 4, 1995. The interim EAD will be granted for a period not to exceed 240 days and is subject to the conditions noted on the document.

Who May File This Form I-765?

USCIS adjudicates a request for employment authorization by determining whether an applicant has submitted the required information and documentation, and whether the applicant is eligible. In order to determine your eligibility, you must identify the category in which you are eligible and fill in that category in **Question 16** on the Form I-765. Enter only **one** of the following category numbers on the application form. For example, if you are a refugee applying for an EAD, you should write **"(a)(3)"** at **Question 16.**

For easier reference, the categories are subdivided as follows:

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Adjustment of Status Categories 4
Other Categories 5

1. **Asylee/Refugee Categories.**

   A. **Refugee--(a)(3).** File your EAD application with either a copy of your Form I-590, Registration for Classification as Refugee, approval letter or a copy of a Form I-730, Refugee/ Asylee Relative Petition, approval notice.

   B. **Paroled as a Refugee--(a)(4).** File your EAD application with a copy of your Form I-94, Arrival and Departure Record.

   C. **Asylee (Granted Asylum)--(a)(5).** File your EAD application with a copy of the USCIS letter, or judge's decision, granting you asylum. It is not necessary to apply for an EAD as an asylee until 90 days before the expiration of your current EAD.

   D. **Asylum Applicant (With a Pending Asylum Application)Who Filed for Asylum on or After January 4, 1995--(c)(8).** (For specific instructions for applicants with pending asylum claims, see Page 5).

2. **Nationality Categories.**

   A. **Citizen of Micronesia, the Marshall Islands or Palau--(a)(8).** File your EAD application if you were admitted to the United States as a citizen of the Federated States of Micronesia (CFA/FSM), the Marshall Islands (CFA/MIS), or Palau, pursuant to agreements between the United States and the former trust territories.

   B. **Deferred Enforced Departure (DED) / Extended Voluntary Departure--(a)(11).** File your EAD application with evidence of your identity and nationality.

   C. **Temporary Protected Status (TPS)--(a)(12).** File your EAD application with Form I-821, Application for Temporary Protected Status. If you are filing for an initial EAD based on your TPS status, include evidence of identity and nationality as required by the Form I-821 instructions.

   D. **Temporary Treatment Benefits --(c)(19).** For an EAD based on 8 CFR 244.5. Include evidence of nationality and identity as required by the Form I-821 instructions.

      1. Extension of TPS status: include a copy (front and back) of your last available TPS document: EAD, Form I-94 or approval notice.

      2. Registration for TPS only without employment authorization: file the Form I-765, Form I-821, and a letter indicating that this form is for registration purposes only. No fee is required for the Form I-765 filed as part of TPS registration. (Form I-821 has separate fee requirements.)

   E. **NACARA Section 203 Applicants Who Are Eligible to Apply for NACARA Relief With USCIS--(c)(10).** See the instructions to Form I-881, Application for Suspension of Deportation or Special Rule Cancellation of Removal, to determine if you are eligible to apply for NACARA 203 relief with USCIS.

   If you are eligible, follow the instructions below and submit your Form I-765 at the same time you file your Form I-881 application with USCIS:

      1. If you are filing a Form I-881 with USCIS, file your EAD application at the same time and at the same filing location. Your response to Question 16 on the Form I-765 should be "(c)(10)."

      2. If you have already filed your I-881 application at the service center specified on the Form I-881, and now wish to apply for employment authorization, your response to **Question 16** on Form I-765 should be **"(c)(10)."** You should file your EAD application at the Service Center designated in "Where to File" of these instructions.

      3. If you are a NACARA Section 203 applicant who previously filed a Form I-881 with USCIS, and the application is still pending, you may renew your EAD. Your response to **Question 16** on Form I-765 should be **"(c)(10)."** Submit the required fee and the EAD application to the service center designated in "Where to File" of these instructions.

   F. **Dependent of TECRO E-1 Nonimmigrant--(c).** File your EAD application with the required certification from the American Institute in Taiwan if you are the spouse, or unmarried dependent son or daughter of an E-1 employee of the Taipei Economic and Cultural Representative Office.

3. **Foreign Students.**

A. **F-1 Student Seeking Optional Practical Training in an Occupation Directly Related to Studies--(c)(3)(i).** File your EAD application with a Certificate of Eligibility of Nonimmigrant (F-1) Student Status (Form I-20 A-B/I-20 ID) endorsed by a Designated School Official within the past 30 days.

B. **F-1 Student Offered Off-Campus Employment Under the Sponsorship of a Qualifying International Organization-- (c)(3)(ii).** File your EAD application with the international organization's letter of certification that the proposed employment is within the scope of its sponsorship, and a Certificate of Eligibility of Nonimmigrant (F-1) Student Status -- For Academic and Language Students (Form I-20 A-B/ -20 ID) endorsed by the Designated School Official within the past 30 days.

C. **F-1 Student Seeking Off-Campus Employment Due to Severe Economic Hardship--(c)(3)(iii).** File your EAD application with Form I-20 A-B/I-20 ID, Certificate of Eligibility of Nonimmigrant (F-1) Student Status -- For Academic and Language Students, and any evidence you wish to submit, such as affidavits, that detail the unforeseen economic circumstances that cause your request, and evidence you have tried to find off-campus employment with an employer who has filed a labor and wage attestation.

D. **J-2 Spouse or Minor Child of an Exchange Visitor--(c)(5).** File your EAD application with a copy of your J-1's (principal alien's) Certificate of Eligibility for Exchange Visitor (J-1) Status (Form IAP-66). You must submit a written statement, with any supporting evidence showing, that your employment is not necessary to support the J-1 but is for other purposes.

E. **M-1 Student Seeking Practical Training After Completing Studies--(c)(6).** File your EAD application with a completed Form I-539, Application to Change/Extend Nonimmigrant Status. Form I-20 M-N, Certificate of Eligibility for Nonimmigrant (M-1) Student Status -- For Vocational Students endorsed by the Designated School Official within the past 30 days.

4. **Eligible Dependents of Employees of Diplomatic Missions, International Organizations, or NATO.**

A. **Dependent of A-1 or A-2 Foreign Government Officials--(c)(1).** Submit your EAD application with Form I-566, Inter-Agency Record of Individual Requesting Change/Adjustment to, or from, A or G Status; or Requesting A, G, or NATO Dependent Employment Authorization, through your diplomatic mission to the Department of State (DOS). The DOS will forward all favorably endorsed applications directly to the Nebraska Service Center for adjudication.

B. **Dependent of G-1, G-3 or G-4 Nonimmigrant--(c)(4).** Submit your EAD application with a Form I-566, Inter-Agency Record of Individual Requesting Change/Adjustment to or from A or G Status; or Requesting A, G, or NATO Dependent Employment Authorization, through your international organization to the Department of State (DOS). [In New York City, the United Nations (UN) and UN missions should submit such applications to the United States Mission to the UN (USUN).] The DOS or USUN will forward all favorably endorsed applications directly to the Nebraska Service Center for adjudication.

C. **Dependent of NATO-1 Through NATO-6--(c)(7).** Submit your EAD application with Form I-566, Inter-Agency Record of Individual Requesting Change/ Adjustment to, or from, A or G Status; or Requesting A, G or NATO Dependent Employment Authorization, to NATO SACLANT, 7857 Blandy Road, C-027, Suite 100, Norfolk, VA 23551-2490. NATO/SACLANT will forward all favorably endorsed applications directly to the Nebraska Service Center for adjudication.

5. **Employment-Based Nonimmigrant Categories.**

A. **B-1 Nonimmigrant Who is the Personal or Domestic Servant of a Nonimmigrant Employer--(c)(17)(i).** File the EAD application with:

1. Evidence from your employer that he or she is a B, E, F, H, I, J, L, M, O, P, R, or TN nonimmigrant and you were employed for at least one year by the employer before the employer entered the United States or your employer regularly employs personal and domestic servants and has done so for a period of years before coming to the United States; and

2. Evidence that you have either worked for this employer as a personal or domestic servant for at least one year or, evidence that you have at least one year's experience as a personal or domestic servant; and

3. Evidence establishing that you have a residence abroad which you have no intention of abandoning.

B. B-1 Nonimmigrant Domestic Servant of a U.S. Citizen-- (c)(17)ii). File your EAD application with:

1. Evidence from your employer that he or she is a U.S. citizen; and

2. Evidence that your employer has a permanent home abroad or is stationed outside the United States and is temporarily visiting the United States or the citizen's current assignment in the United States will not be longer than four 4 years; and

3. Evidence that he or she has employed you as a domestic servant abroad for at least six months prior to your admission to the United States.

C. B-1 Nonimmigrant Employed by a Foreign Airline--(c)(17)(iii). File your EAD application with a letter from the airline fully describing your duties and indicating that your position would entitle you to E nonimmigrant status except for the fact that you are not a national of the same country as the airline or because there is no treaty of commerce and navigation in effect between the United States and that country.

D. Spouse of an E-1/E-2 Treaty Trader or Investor--(a)(17). File your EAD application with evidence of your lawful status and evidence you are a **spouse** of a principal E-1/E-2, such as your Form I-94. (Other relatives or dependents of E-1/E-2 aliens who are in E status are not eligible for employment authorization and may not file under this category.)

E. Spouse of an L-1 Intracompany Transferee--(a)(18). File your EAD application with evidence of your lawful status and evidence you are a **spouse** of a principal L-1, such as your I-94. (Other relatives or dependents of L-1 aliens who are in L status are not eligible for employment authorization and may not file under this category.)

6. Family-Based Nonimmigrant Categories.

A. K-1 Nonimmigrant Fiance(e) of U.S. Citizen or K-2 Dependent--(a)(6). File your EAD application if you are filing within 90 days from the date of entry. This EAD cannot be renewed. Any EAD application other than for a replacement must be based on your pending application for adjustment under (c)(9).

B. K-3 Nonimmigrant Spouse of U.S. Citizen or K-4 Dependent--(a)(9). File your EAD application along with evidence of your admission such as copies of your Form I-94, passport, and K visa.

C. Family Unity Program--(a)(13). If you are filing for initial or extension Family Unity benefits complete and submit Form I-817, Application for Voluntary Departure Under the Family Unity Program. An Employment Authorization Document (EAD) will be issued if your I-817 is approved, no I-765 application is necessary.

If your non-expired Family Unity EAD is lost or stolen file an I-765 application with proper fee(s), along with a copy of your approval notice for Family Unity benefits, to request a replacement.

D. LIFE Family Unity--(a)(14). If you are applying for initial employment authorization pursuant to the Family Unity provisions of section 1504 of the LIFE Act Amendments, or an extension of such authorization, you should not be using this form. Please obtain and complete a Form I-817, Application for Family Unity Benefits. If you are applying for a replacement EAD that was issued pursuant to the LIFE Act Amendments Family Unity provisions, file your EAD application with the required evidence listed in the "Required Document" section of these instructions.

E. V-1, V-2 or V-3 Nonimmigrant--(a)(15). If you have been inspected and admitted to the United States with a valid V visa, file this application along with evidence of your admission, such as copies of your Form I-94, passport, and K visa. If you have been granted V status while in the United States, file this application along with evidence of your V status, such as an approval notice. If you are in the United States but you have not yet filed an application for V status, you may file this application at the same time as you file your application for V status. USCIS will adjudicate this application after adjudicating your application for V status.

7. **EAD Applicants Who Have Filed for Adjustment of Status.**

   A. **Adjustment Applicant--(c)(9).** File your EAD application with a copy of the receipt notice or other evidence that your Form I-485, Application for Permanent Residence or Adjust Status, is pending. You may file Form I-765 together with your Form I-485.

   B. **Adjustment Applicant Based on Continuous Residence Since January 1, 1972--(c)(16).** File your EAD application with your Form I-485, Application for Permanent Residence; a copy of your receipt notice; or other evidence that the Form I-485 is pending.

   C. **Renewal EAD for National Interest Waiver Physicians:** If you are filing for a renewal EAD based on your pending adjustment status and an approved National Interest Waiver Physician petition, you must also include evidence of your meaningful progress toward completing the national interest waiver obligation. Such evidence includes documentation of employment in any period during the previous 12 months (e.g. copies of W-2 forms). If you did not work as a national interest waiver physician during any period of the previous 12 months, you must explain and provide a statement of future intent to work in the national interest waiver employment.

8. **Other Categories.**

   A. **N-8 or N-9 Nonimmigrant--(a)(7).** File your EAD application with the required evidence listed in the "Required Document" section of these instructions.

   B. **Granted Withholding of Deportation or Removal (a)(10).** File your EAD application with a copy of the Immigration Judge's order. It is not necessary to apply for a new EAD until 90 days before the expiration of your current EAD.

   C. **Applicant for Suspension of Deportation--(c)(10).** File your EAD application with evidence that your Form I-881, Application for Suspension of Deportation, or EOIR-40, is pending.

   D. **Paroled in the Public Interest--(c)(11).** File your EAD application if you were paroled into the United States for emergent reasons or reasons strictly in the public interest.

   E. **Deferred Action--(c)(14).** File your EAD application with a copy of the order, notice or document placing you in deferred action and evidence establishing economic necessity for an EAD.

   F. **Final Order of Deportation--(c)(18).** File your EAD application with a copy of the order of supervision and a request for employment authorization which may be based on, but not limited to the following:

      1. Existence of a dependent spouse and/or children in the United States who rely on you for support; and
      2. Existence of economic necessity to be employed;
      3. Anticipated length of time before you can be removed from the United States.

   G. **LIFE Legalization Applicant--(c)(24).** We encourage you to file your EAD application together with your Form I-485, Application to Register Permanent Residence or Adjust Status, to facilitate processing. However, you may file Form I-765 at a later date with evidence that you were a CSS, LULAC, or Zambrano class member applicant before October 1, 2000 and with a copy of the receipt notice or other evidence that your Form I-485 is pending.

   H. **T-1 Nonimmigrant--(a)(16).** If you are applying for initial employment authorization as a T-1 nonimmigrant, file this form only if you did not request an employment authorization document when you applied for T nonimmigrant status. If you have been granted T status and this is a request for a renewal or replacement of an employment authorization document, file this application along with evidence of your T status, such as an approval notice.

   I. **T-2, T-3, or T-4 Nonimmigrant--(c)(25).** File this form with a copy of your T-1's (principal alien's) approval notice and proof of your relationship to the T-1 principal.

Required Documentation.

All applications must be filed with the documents required below, in addition to the particular evidence required for the category listed in "Who May File This Form I-765" with fee, if required.

If you are required to show economic necessity for your category, submit a list of your assets, income and expenses.

Please assemble the documents in the following order:

1. Your application with the filing fee. See **"What Is the Filing Fee"** for details.

2. If you are mailing your application to USCIS, you must also submit:

   A. A copy of Form I-94 Departure Record (front and back), if available. If you are filing an I-765 under the (c) (9) category, an I-94 record need not submitted.

   B. A copy of your last EAD (front and back). If no prior EAD has been issued, you must submit a copy of a federal government issued identity document, such as a passport showing your picture, name, and date of birth; a birth certificate with photo ID; a visa issued by a foreign consulate; or a National ID document with photo and/or fingerprint. The identity document photocopy must clearly show the facial features of the applicant and the biographical information.

   C. You **must** submit two identical color photographs of yourself taken within 30 days of the filing of this application. The photos must have a white to off-white background, be printed on thin paper with a glossy finish, and be unmounted and unretouched.

   The passport-style photos must be 2" x 2." The photos must be in color with full face, frontal view on a white to off-white background. Head height should measure 1" to 1 3/8" from top of hair to bottom of chin, and eye height is between 1 1/8" to 1 3/8" from bottom of photo. Your head must be bare unless you are wearing a headdress as required by a religious order of which you are a member. Using pencil or felt pen, lightly print your name and Alien Receipt Number on the back of the photo.

Special Filing Instructions for Those With Pending AsylumApplications ((c)(8)).

Asylum Applicant (with a pending asylum application) who Filed for Asylum on or after January 4, 1995. *You must wait at least 150 days following the filing of your asylum claim before you are eligible to apply for an EAD. If you file your EAD application early, it will be denied. File your EAD application with:*

1. A copy of the USCIS acknowledgement mailer which was mailed to you; or

2. Other evidence that your Form I-589 was filed with USCIS; or

3. Evidence that your Form I-589 was filed with an Immigration Judge at the Executive Office for Immigration Review (EOIR); or

4. Evidence that your asylum application remains under administrative or judicial review.

Asylum Applicant (with a pending asylum application) who filed for Asylum and for Withholding of Deportation prior to January 4, 1995 and is *NOT* in Exclusion or Deportation Proceedings.

You may file your EAD application at any time; however, it will only be granted if USCIS finds that your asylum application is not frivolous. File your EAD application with:

1. A complete copy of your previously filed Form I-589; AND

2. A copy of your USCIS receipt notice; or

3. A copy of the USCIS acknowledgement mailer; or

4. Evidence that your Form I-589 was filed with EOIR; or

5. Evidence that your asylum application remains under administrative or judicial review; or

6. A copy of the USCIS acknowledgement mailer; or

Asylum applicant (with a pending asylum application) who filed an Initial Request for Asylum prior to January 4, 1995, and *IS IN* Exclusion or Deportation Proceedings. If you filed your Request for Asylum and Withholding of Deportation (Form I-589) prior to January 4, 1995 and you ARE IN exclusion or deportation proceedings, file your EAD application with:

1. A date-stamped copy of your previously filed Form I-589; or

2. A copy of Form I-221, Order to Show Cause and Notice of Hearing, or Form I-122, Notice to Applicant for Admission Detained for Hearing Before Immigration Judge; or
3. A copy of EOIR-26, Notice of Appeal, date stamped by the Office of the Immigration Judge; or
4. A date-stamped copy of a petition for judicial review or for *habeas corpus* issued to the asylum applicant; or
5. Other evidence that you filed an asylum application with EOIR.

Asylum application under the ABC Settlement Agreement--(c)(8). If you are a Salvadoran or Guatemalan national eligible for benefits under the ABC settlement agreement, American Baptist Churches v. Thornburgh , 760 F. Supp. 976 (N.D. Cal. 1991), please follow the instructions contained in this section when filing your Form I-765.

You must have asylum application (Form I-589) on file either with USCIS or with an immigration judge in order to receive work authorization. Therefore, please submit evidence that you have previously filed an asylum application when you submit your EAD application. You are not required to submit this evidence when you apply, but it will help USCIS process your request efficiently.

If you are renewing or replacing your EAD, you must pay the filing fee.

Mark your application as follows:

1. Write "ABC" in the top right corner of your EAD application. You must identify yourself as an ABC class member if you are applying for an EAD under the ABC settlement agreement.
2. Write "(c)(8)" in **Section 16** of the application.

You are entitled to an EAD without regard to the merits of your asylum claim. Your application for an EAD will be decided within 60 days if: (1) you pay the filing fee, (2) you have a complete, pending asylum application on file, and (3) write "ABC" in the top right corner of your EAD application. If you do not pay the filing fee for an initial EAD request, your request may be denied if USCIS finds that your asylum application is frivolous. However, if you cannot pay the filing fee for an EAD, you may qualify for a fee waiver under 8 CFR 103.7(c).

What is the Filing Fee?

The filing fee for Form I-765 is $340.00.

Exceptions:

Initial EAD: If this is your initial application and you are applying under one of the following categories, a filing fee is **not** required:

1. (a)(3) Refugee;
2. (a)(4) Paroled as Refugee;
3. (a)(5) Asylee;
4. (a)(7) N-8 or N-9 nonimmigrant;
5. (a)(8) Citizen of Micronesia, Marshall Islands or Palau;
6. (a)(10) Granted Withholding of Deportation;
7. (a)(11) Deferred Enforced Departure;
8. (a)(16) Victim of Severe Form of Trafficking (T-1);
9. (c)(1), (c)(4), or (c)(7) Dependent of certain foreign government, international organization, or NATO personnel; or
10. (c)(8) Applicant for asylum [an applicant filing under the special ABC procedures must pay the fee].

Renewal EAD: If this is a renewal application and you are applying under one of the following categories, a filing fee is **not** required:

1. (a)(8) Citizen of Micronesia, Marshall Islands, or Palau;
2. (a)(10) Granted Withholding of Deportation;
3. (a)(11) Deferred Enforced Departure; or
4. (c)(l), (c)(4), or (c)(7) Dependent of certain foreign government, international organization, or NATO personnel.

Replacement EAD: If this is your replacement application and you are applying under one of the following categories, *a* filing fee is **not** required:

1. (c)(l), (c)(4), or (c)(7) Dependent of certain foreign government, international organization, or NATO personnel.

Incorrect Card: No fee is required if you are filing only because the card issued to you was incorrect due to a USCIS administrative error. However, if the error was not caused by USCIS, both application and biometrics fees are required.

You may be eligible for a fee waiver under 8 CFR 103.7(c).

USCIS will use the Poverty Guidelines published annually by the Department of Health and Human Services as the basic criteria in determining the applicant's eligibility when economic necessity is identified as a factor.

The Poverty Guidelines will be used as a guide, but not as a conclusive standard, in adjudicating fee waiver requests for employment authorization applications requiring a fee.

Use the following guidelines when you prepare your check or money order for the Form I-765 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 check or money order payable to **U.S. Department of Homeland Security**, unless:

   A. If you live in Guam and are filing your petition there, make it payable to **Treasurer, Guam.**

   B. If you live in the U.S. Virgin Islands and are filing your petition there, make it payable to **Commissioner of Finance of the Virgin Islands.**

NOTE: If you filed a Form I-485, Application to Register Permanent Residence or Adjust Status, as of July 30, 2007, no fee is required to also file a request for employment authorization on Form I-765. You may file the I-765 concurrently with your I-485, or you may submit the I-765 at a later date. If you file Form I-765 separately, you must also submit a copy of your Form I-797C, Notice of Action, receipt as evidence of the filing of an I-485 as of July 30, 2007.

NOTE: Please 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, it will be converted 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 will be shown on your regular account statement.

You will not receive your original check back. We will destroy your original check, but we will keep a copy of it. If the EFT cannot be processed for technical reasons, you authorize us to process the copy in place of your original check. If the EFT cannot be completed because of insufficient funds, we may try to make the transfer up to two times.

How to Check If the Fees Are Correct.

The form fee on this form is current as of the edition date appearing in the lower right corner of this page. However, because USCIS fees change periodically, you can verify if the fees are correct by following one of the steps below:

1. Visit our website at **www.uscis.gov**, select "Immigration Forms" check the appropriate fee;

2. Review the Fee Schedule included in your form package, if you called us to request the form; or

3. Telephone our National Customer Service Center at **1-800-375-5283** and ask for the fee information.

Where to File?

E-Filing Form I-765: Certain Form I-765 filings may be electronically filed (E-Filed) with USCIS. Please view our website at www.uscis.gov for a list of who is eligible to e-file this form and instructions.

If your response to **Question 16** is **(a)(3)**, admitted as a refugee, **(a)(4)**, paroled as a refugee, **(a)(5)**, asylum granted, **(a)(7)**, **N-8** or **N-9** nonimmigrant, or **(a)(8)**, admitted as citizen of the Federated States of Micronesia or of the Marshall Islands mail your application to:

USCIS
Nebraska Service Center
P.O. Box 87765
Lincoln, NE 68501-7765

For private courier (non-USPS) deliveries:

USCIS
Nebraska Service Center
850 S. Street
Lincoln, NE 68508-1225

If your response to **Question 16** is:

1. **(a)(10)**, an alien granted withholding of deportation or removal;

2. **(c)(11)**, an alien paroled into the United States temporarily for emergency reasons, or reasons deemed strictly in the public interest;

3. **(c)(14)**, an alien who has been granted deferred action, (exception: if the grant of deferred action was based on an approved Form I-360 petition filed for a battered or abused spouse or child file your Form I-765 with the Vermont Service Center at the address below);

4. **(c)(16)**, an alien who has filed an application for creation of record of lawful admission for permanent residence; or

5. **(c)(18)**, an alien against whom a final order of deportation or removal exists and who is released on an order of supervision, mail your application to the following address:

USCIS
P.O. Box 805887
Chicago, IL 60680-4120

If your response to **Question 16** is **(c)(14)**, an alien who has been granted deferred action based on an approved Form I-360 petition filed for a battered or abused spouse or child, **(a)(16)**, victim of trafficking, or **(c)(25)**, immediate family member of a T-1 victim of severe form of trafficking in persons, send your application to (this address may be used for both US Postal Service and private courier deliveries):

USCIS
Vermont Service Center
Attn: I-765
75 Lower Welden St.
St. Albans, VT 05479-0001

If your response to **Question 16** is **(a)(14)**, an alien granted family unity benefits under Section 1504 of the LIFE Act, or **(c)(24)**, an alien who has filed for adjustment pursuant to section 1104 of the LIFE Act, mail your application to:

USCIS
P.O. Box 7219
Chicago, IL 60680-7219

If your response to **Question 16** is **(a)(15)**, any alien in V nonimmigrant status, mail your application to:

USCIS
P.O. Box 7216
Chicago, IL 60680-7216

If your response to **Question 16** is **(a)(12)**, alien granted Temporary Protected Status, or **(c)(19)**, alien who has a pending application for TPS, mail your application according to the instructions in the Federal Register notice for your particular country's TPS designation.

If you need to replace a valid lost, stolen or mutilated Temporary Protected Status EAD, send your application to (this address may be used for both US Postal Service and private courier deliveries):

USCIS
Vermont Service Center
Attn: TPS
75 Lower Welden St.
St. Albans, VT 05479-0001

If your response to **Question 16** is **(c)(1)**, alien spouse or unmarried dependent child, son or daughter of a foreign government official, or **(c)(4)**, eligible dependent of a G-1, G-3 or G-4 non-immigrant, or **(c)(7)**, dependent of a NATO 1 through NATO 7, submit your application through your principal's sponsoring organization. Your application will be reviewed and forwarded by DOS, USUN, or NATO/ SACLANT to the Nebraska Service Center following certification of your eligibility for an EAD.

If your response to **Question 16** is **(c)(8)** under the special ABC filing instructions, and you are filing your Form I-589 Application for Asylum and this application together, mail your applications to the office where you will file your asylum application. Otherwise, for all other (c)(8) filings, see additional instructions below.

If your response to **Question 16** is **(c)(9)** and you filed your I-485 application with the USCIS Chicago Lockbox Facility, file your Form I-765 with the following address (if you filed your Form I-485 with a USCIS service center, see instructions below):

USCIS Lockbox Addresses:

For United States Postal Service (USPS) deliveries:

USCIS
P.O. Box 805887
Chicago, IL 60680-4120

For private courier (non-USPS) deliveries:

USCIS
Attn: FBASI
427 S. LaSalle, 3rd Floor
Chicago, IL 60605-1029

Otherwise, if you filed your I-485 adjustment application with a USCIS service center, you must file Form I-765 at the Nebraska Service Center or the Texas Service Center, depending on where you live (see the following addresses).

Nebraska Service Center Filings

File Form I-765 alone or concurrently with Form I-485 with the Nebraska Service Center if you live in:

Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin or Wyoming.

If you are filing Form I-765 alone, mail your Form I-765 package to:

USCIS
Nebraska Service Center
P.O. Box 87765
Lincoln, NE 68501-7765

If you are filing Form I-765 concurrently with Form I-485, mail to:

USCIS
Nebraska Service Center
P.O. Box 87485
Lincoln, NE 68501-7485

For private courier (non-USPS) deliveries:

USCIS
Nebraska Service Center
850 S. Street
Lincoln, NE 68508-1225

Texas Service Center Filings

File Form I-765 with the Texas Service Center if you live in:

Alabama, Arkansas, Connecticut, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, South Carolina, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, Tennessee, Texas, Vermont, Virginia, U.S. Virgin Islands, West Virginia or Washington, DC.

If you are filing Form I-765 concurrently with Form I-485, mail your Form I-765 to the address you will use to file Form I-485.

If you are filing Form I-765 alone, mail your Form I-765 package to:

USCIS
Texas Service Center
P.O. Box 851041
Mesquite, TX 75185-1041

For private courier (non-USPS) deliveries:

USCIS
Texas Service Center
4141 North St. Augustine Road
Dallas, TX 75227

If your response to **Question 16** is:

1. **(a)(6)**, alien admitted as a nonimmigrant fiancé(e) pursuant to section 101(a)(15) (K)(i);
2. **(a)(11)**, alien granted extended voluntary departure by the Secretary as a member of a nationality group pursuant to a request by the Secretary of State;
3. **(a)(13)**, alien granted voluntary departure under the Family Unity Program;
4. **(a)(17)**, spouse of a treaty trader, investor;
5. **(a)(18)**, spouse of an intracompany transferee;
6. **(c)(2)**, alien spouse or unmarried dependent son or daughter of an employee of the Coordination Council for North American Affairs;
7. **(c)(3)(i)**, F-1 student seeking optional practical training;
8. **(c)(3)(ii)**, F-1 student offered employment under the sponsorship of an international organization;
9. **(c)(3)(iii)**, F-1 student seeking employment because of severe economic hardship;
10. **(c)(5)**, spouse or minor child of an exchange visitor (J-2);
11. **(c)(6)**, M-1 student seeking employment for practical training;
12. **(c)(8)**, an alien who has filed an application for asylum or withholding of deportation or removal;
13. **(c)(17)(i)**, a visitor for business (B-1) who is the personal or domestic servant who is accompanying or following to join an employer;
14. **(c)(17)(ii)**, a domestic servant of a U.S. citizen accompanying or following to join his or her U.S. citizen employer who has a permanent home or is stationed in a foreign country; or
15. **(c)(17)(iii)**, an employee of a foreign airline engaged in international transportation of passengers freight:

mail your application to the appropriate Service Center depending on where you live (see chart on the following page).

If you live in:		Mail your application to:
Connecticut D.C. Maryland New Hampshire New York Puerto Rico Vermont West Virginia	Delaware Maine Massachusetts New Jersey Pennsylvania Rhode Island Virginia U.S.V.I.	For both US Postal Service and private courier deliveries: **USCIS** Vermont Service Center ATTN: I-765 75 Lower Welden Street St. Albans, VT 05479-0001
Arizona Guam Nevada	California Hawaii	US Postal Service deliveries: **USCIS** California Service Center P.O. Box 10765 Laguna Niguel, CA 92607-1076 For private courier (non-USPS) deliveries: **USCIS** California Service Center 24000 Avila Road 2nd Floor, Room 2312 Laguna Niguel, CA 92677
Alabama Florida Kentucky Mississippi North Carolina South Carolina Texas	Arkansas Georgia Louisiana New Mexico Oklahoma Tennessee	US Postal Service deliveries: **USCIS Service Center** Texas Service Center P.O. Box 851041 Mesquite, TX 75185-1041 For private courier (non-USPS) deliveries: **USCIS** Texas Service Center 4141 N St. Augustine Rd Dallas, TX 75227
Alaska Idaho Indiana Kansas Minnesota Montana North Dakota Oregon Utah Wisconsin	Colorado Illinois Iowa Michigan Missouri Nebraska Ohio South Dakota Washington Wyoming	US Postal Service deliveries: **USCIS Service Center** Nebraska Service Center P.O. Box 87765 Lincoln, NE 68501-7765 For private courier (non-USPS) deliveries: **USCIS** Nebraska Service Center 850 S. Street Lincoln, NE 68508-1225

If your response to **Question 16** is:

1. **(a)(9)**, admitted as a K-3 spouse or K-4 dependant; or
2. **(c)(10)**, and you are a NACARA 203 applicant eligible to apply for relief with USCIS, or if your I-881 application is still pending with USCIS and you wish to renew your EAD:

mail your EAD application with the required fee to the appropriate USCIS service center below:

If you live in Alabama, Arkansas, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Tennessee, Texas, Utah, the U.S. Virgin Islands, Vermont, Virginia, West Virginia or Wyoming, send your application to (this address may be used for both US Postal Service and private courier deliveries):

USCIS
Vermont Service Center
Attn: I-765
75 Lower Welden St.
St. Albans, VT 05479-0001

If you live in Alaska, Arizona, California, the Commonwealth of Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Oregon, Ohio, South Dakota, Washington or Wisconsin, mail your application to:

USCIS
California Service Center
P.O. Box 10765
Laguna Niguel, CA 92607-1076

For private courier (non-USPS) deliveries:

USCIS
California Service Center
24000 Avila Road
2nd Floor, Room 2312
Laguna Niguel, CA 92677

NOTE: You should submit the fee for the EAD application on a separate check or money order. Do not combine your check or money order with the fee for the Form I-881.

If your response to **Question 16** is **(c)(10)** and you are not eligible to apply for NACARA 203 relief with USCIS, but you are eligible for other deportation or removal relief, mail your application to the following address:

USCIS
P.O. Box 805887
Chicago, IL 60680-4120

Questions Regarding Form I-765

For additional information about Form I-765, including how to file your application or filing locations not mentioned, call the USCIS National Customer Service Center at **1-800-375-5283** or visit our website at **www.uscis.gov.**

Processing Information.

Any Form I-765 that is not signed or accompanied by the correct fee, will be rejected with a notice that the Form I-765 is deficient. You may correct the deficiency and resubmit the Form I-765. An application or petition is not considered properly filed until accepted by USCIS.

Initial processing. Once a Form I-765 has been accepted, it will be checked for completness, including submission of the required initial evidence. If you do not completely fill out the form, or file it without required initial evidence, you will not establish a basis for eligibility and we may deny your Form I-765.

Requests for more information or interview. We may request more information or evidence, or we may request that you appear at a USCIS office for an interview. We may also request that you submit the originals of any copy. We will return these originals when they are no longer required.

Interim EAD. If you have not received a decision within 90 days of receipt by USCIS of a properly filed EAD application or within 30 days of a properly filed initial EAD application based on an asylum application filed on or after January 4, 1995, you may obtain interim work authorization by appearing in person at your local USCIS district office. You must bring proof of identity and any notices that you have received from USCIS in connection with your application for employment authorization.

Approval. If approved, your EAD will either be mailed to you or you may be required to appear at your local USCIS office to pick it up.

Denial. If your application cannot be granted, you will receive a written notice explaining the basis of your denial.

Penalties.

If you knowingly and willfully falsify or conceal a material fact or submit a false document with this Form I-765, we will deny the Form I-765 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 Forms and Information.

To order USCIS forms, call our toll-free number at **1-800-870-3676.** You can also get USCIS forms and information on immigration laws, regulations and procedures by telephoning our National Customer Service Center at **1-800-375-5283** or visiting our internet website at **www.uscis.gov.**

As an altenative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our internet-based system, **InfoPass.** To access the system, visit our website. Use the **InfoPass** appointment scheduler and follow the screen prompts to set up your appointment. **InfoPass** generates an electronic appointment notice that appears on the screen.

Paperwork Reduction Act.

Authority for Collecting This Information. The authority to require you to file Form I-765, Application for Employment Authorization, when applying for employment authorization is found at sections 103(a) and 274A(h)(3) of the Immigration and Nationality Act. Information you provide on your Form I-765 is used to determine whether you are eligible for employment authorization and for the preparation of your Employment Authorization Document if you are found eligible. Failure to provide all information as requested may result in the denial or rejection of this application. The information you provide may also be disclosed to other federal, state, local and foreign law enforcement and regulatory agencies during the course of the USCIS investigations.

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 OMB control number. The public reporting burden for this collection of information is estimated at 3 hours and 25 minutes per response, including the time for reviewing instructions, completing and submitting the form. 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, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529. OMB No. 1615-0040. **Do not mail your application to this address.**

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ATTORNEYS

FAMILY BASED ADJUSTMENT OF STATUS, GUIDELINES AND PROCESSING TIPS

Under certain circumstances, U.S. Citizenship and Immigration Services ("USCIS") permits a person and his or her family members to obtain permanent residence status by filing paperwork in the United States rather than by processing outside of the United States at the U.S. Embassy or Consulate in the home country (under **section 201(b)** of the Act or as a preference immigrant under section **203(a)** of the Act). **See INA Section 245, 8 USC Section 1255, with respect to the bases of eligibility and ineligibility.**

Adjustment of Status is a procedure allowing for certain foreign nationals already in the U.S. to apply for immigrant status. Foreign nationals admitted to the U.S. in a nonimmigrant, refugee, or parolee category may have their status changed to that of lawful permanent resident if they are eligible to receive an immigrant visa and one is immediately available. (Refer to Family-based Visa Bulletin: http://travel.state.gov/visa/frvi/bulletin/bulletin_4205.html.)

Any applicant or family member who has ever remained in the United States without authorization beyond the expiration date of the Form I-94 Arrival Departure Card or who has ever engaged in unauthorized employment may not be eligible to adjust status in the United States. ***In the immediate relative petition context, however***, this limitation may not apply, and the applicant may be eligible for adjustment notwithstanding the unauthorized activity. If any applicant or any family member has engaged in any unauthorized employment or has otherwise violated the terms of stay in the United States, see the information included in this manual regarding the consequences of criminal activity and/or the consequences of status violations as appropriate.

The application materials (called "Adjustment of Status Application" or hereinafter "Application") involve fairly extensive paperwork for each family member; the materials may in some situations include a separate request for employment authorization for one or more family members and, in addition, may include a request for permission to travel outside of the United States during pendency of the Application.

Once all of the Application materials and forms have been collected and signed as required, the documents are sent by mail (overnight courier is recommended) to USCIS for processing. *****Please note, while the documents are sent to the Chicago "Lockbox" address, included below, the applications and materials are forwarded by USCIS to the National Benefits Center, commonly referred to as the "NBC" in Lee's Summit, Missouri.***

Once the Application has been filed, within two to four weeks (processing times will vary), each applicant will receive a "Receipt" Notice, evidencing the filing of the Application and providing the Applicant with a unique Receipt Number. This number typically starts with MSC, followed by a sequence of numbers (example: MSC-01-123-12345). Once the Applicant has received his/her Receipt Number(s) he/she can monitor the progress of his/her application online by selecting the link below and entering in his/her receipt number: https://egov.uscis.gov/cris/caseStatusSearchDisplay.do;jsessionid=cbaTYVFzOsxhCcolwsOnr.

Next, within 1-3 months of filing (processing times will vary), the applicant will be scheduled for a biometrics (digital fingerprint and facial scan) appointment. The applicant's appointment will be scheduled at the Application Support Center (ASC) within his/her residential jurisdiction. While it is allowed, we do not recommend rescheduling the biometrics and fingerprinting appointment, as it will delay the processing of the application. ***Please also note that failure to appear at the scheduled appointment without submitting a request for reschedule may be considered an abandonment of the application for Adjustment of Status.***

Approximately 5-7 months after the initial submission of the I-130 (if applicable) and I-485 Applications, most family-based applicants are scheduled for a personal interview at the District Office within the applicant's residential jurisdiction. Interviews typically require the presence of both the Applicant and Petitioner. (In this case, the Petitioner is the family member who initially submitted the I-130 on behalf of the adjustment Applicant.)

Once the interview has been held or otherwise waived and the Application approved, and provided that the applicant's security checks have been cleared, the applicant will receive the actual "green card" (the Form I-551) from a central processing facility. If an applicant needs to travel outside of the United States between the date of approval and the date on which the Form I-551 is received, the applicant can request a special passport stamp from the local USCIS office that will permit the applicant (and any family members whose passports are also stamped) to reenter the United States as a permanent resident. In order to obtain this stamp, the Applicant will need to schedule an INFOPASS Appointment by following the link below and selecting "You are a new Permanent Resident and have not yet received your Permanent Resident Card": http://infopass.uscis.gov/.

Conditional Nature of Residency

Under Section 216(a) on the Act, **if the applicant has been married to the U.S. citizen petitioner for less than two years at the time the adjustment application is approved, the applicant will be granted conditional permanent residency, and will receive a permanent resident card valid for two years** (otherwise, the applicant will receive a permanent resident card valid for ten years). In the 90 days preceding the expiration of the conditional permanent resident card, the applicant and the U.S. citizen spouse **must** jointly file Form I-751, Petition to Remove the Conditions of Residence, with the CIS to show that the qualifying marital relationship is still intact. **It is important to note that missing the filing deadline will result in the loss of permanent resident status and removal from the U.S.**

There are exceptions to the joint filing rule in certain circumstances. If the marriage was initially entered into in good faith and has terminated through no fault of the immigrant, USCIS may, at its discretion, waive the joint filing requirement. Other exceptions involve cases of extreme hardship if the immigrant were to be removed from the U.S. and situations in which the immigrant spouse was subjected to extreme cruelty by the U.S. citizen or LPR spouse.

Note further that while the conditional permanent resident's green card expiration date indicates that, without further action, that individual's lawful permanent residence will be terminated, the ten-year, "regular" green card's expiration date reflects the expiration date of the card only. Once an individual obtains the ten-year green card, that individual's status does not expire. The card may, however, be the only proof that individual has of his status. As such, it is recommended that individuals seek and obtain a renewal of the card prior to its expiration.

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OVERVIEW/TIMELINE OF EVENTS

- If on a K-1 Visa, the Applicant must marry the K-1 petitioner and file his/her Adjustment of Status Application **within 90 days** of his/her entry to the U.S.

- Once married, the Applicant must complete all forms and supporting documents and submit the application with all fees to the National Benefits Center via the Chicago Lockbox address. **Note, USCIS does not accept personal checks.*

- **2-4 Weeks** after filing the Application, the Applicant will receive his/her Receipt Notices, evidencing the filing of his/her Application.

- Approximately **1-3 months** after filing (processing times will vary), the Applicant will be scheduled for a biometrics (digital fingerprint and facial scan) and fingerprinting appointment.

- Typically, if filed concurrently, the Applicant will receive his/her Employment Authorization Card "EAD" and Travel Documents "Advance Parole" **within 90-120** days of filing. If no request for evidence has been issued and the "EAD" has not been approved after 90 days, the Applicant is eligible to request an Interim EAD. See www.uscis.gov and refer to Form I-765 for further instructions.

- Approximately **5-7 months** from the initial date of filing, most immediate relative petition cases are scheduled for a personal interview at the District Office within his/her residential jurisdiction and typically require the presence of both the Applicant and Petitioner. Often, parents of U.S. citizens do not receive interviews.

- If approved at the interview, the Applicant may receive the temporary I-551 Stamp in his/her passport, evidencing his/her green card status. Alternatively (and more likely), the Examining Officer may indicate that the actual green card will be sent out within 3-4 weeks.

- If approved as a ***Conditional Permanent Resident***, the applicant's green card status will be valid for 2 years. In the 90 days preceding the expiration of the conditional permanent resident card, the applicant and the U.S. citizen spouse **must** jointly file Form I-751, Petition to Remove the Conditions of Residence, with the CIS to show that the qualifying marital relationship is bona fide. If the conditional resident is no longer married to the Petitioning spouse, he or she should determine whether he or she falls into one of the exceptions from the joint filing rule. See above and/or contact an immigration attorney for assistance.

- If approved on the basis of being married to a U.S. citizens for more than 2 years at the time of filing the application or on any basis other than marriage, the applicant will receive a permanent resident card valid for ten years.

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POTENTIAL CAUSES FOR DENIAL

I. Abandoning the Application

If an application is abandoned, the benefits from that application (such as the EAD card granted to adjustment applicants) are revoked and a new application must be filed. An application may be considered to have been abandoned in the following circumstances:

- Not responding to a Request for Evidence "RFE"
- Not attending and/or repeatedly rescheduling the required biometrics and fingerprinting appointment;
- Not appearing at the interview as scheduled;
- Departing the U.S. without proper documentation for re-admittance;
- Not filing the I-751 (if applicable) within a timely manner (prior to expiration)
- The resident's status will expire automatically and he/she will relinquish his/herlegal right to remain in the U.S.;
- DHS can terminate residence and begin removal proceedings.

II. Evading Immigration Laws

- Getting married to a U.S. citizen for the sole purpose of procuring an alien's admission as an immigrant;
- Judicial annulment or termination of marriage, other than through the death of a spouse, prior to the second anniversary of the alien's permanent resident status (there are exceptions);
- Presenting fraudulent visa documentation for entry to the U.S.

III. Lack of Good Moral Character

- Any and all arrest records must be disclosed at the time of filing the I-485; specifically, refer to the questions on page 3 of the I-485 Application.

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FORMS REQUIRED

- Form I-130: Petition for Alien Relative ($355)
- Form G-325A (Beneficiary) and G-325 (Sponsor) --No fee
- Form I-485: Adjustment of Status Application ($1010 for applicants between 14 and 78; $930 for 14 and under not filing the I-485 with at least one parent; $930 for 79 and older; and $600 for 14 and under filing the I-485 with a parent).
- Form I-864: Affidavit of Support -- No fee (if needed for additional financial sponsorship, Form I-864a).
- Form I-765: Employment Authorization Application (if filed at the same time as the I-485, the fee is included in the $1,010; if filed independently, the fee is $340)
- Form I-131: Advance Parole Application (if filed at the same time as the I-485, the fee is included in the $1,010; if filed independently, the fee is $305)
- Form I-485A: Supplement A to Form I-485 ($1,000 if applicable) **In October 1994, section 245(i) of the INA allowed illegal residents who were eligible for immigrant status to remain in the United States and adjust to permanent resident status by applying at an INS office and paying an additional penalty fee. Section 245(i) is no longer available unless the alien is the beneficiary of a petition under section 204 of the Act or of an application for a labor certification under section 212(a)(5)(A), filed on or before April 30, 2001. And, if filed after January 1, 1998, the alien must have been present in the United States on December 21, 2000.*

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USEFUL WEBSITES

- Visa Reciprocity Tables (can be used in addition to the Foreign Affairs Manual) http://travel.state.gov/visa/frvi/reciprocity/reciprocity_3272.html
- Photograph Specifications http://travel.state.gov/passport/guide/guide_2081.html
- USCIS Case Status https://egov.uscis.gov/cris/jsps/index.jsp
- Civil Surgeon Locator https://egov.uscis.gov/crisgwi/go?action=offices.type&OfficeLocator.office_type=CIV
- A Guide on Immigrating to the United States http://www.shusterman.com/
- US Department of State http://www.travel.state.gov

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THE FOLLOWING ITEMS MUST ALSO BE SUBMITTED WITH THE FILING:

I. Medical Examination

Each member of the family, regardless of age, must obtain a medical examination from a USCIS Physician. The list of approved physicians, and the I-693 Medical Examination form, is available at: https://egov.uscis.gov/crisgwi/go?action=offices.type&OfficeLocator.office_type=CIV

Medical results take a minimum of 10 days to issue, so individuals are advised to book their appointments accordingly. When the individual obtains the results, they will be presented in a sealed envelope. THE ENVELOPE SHOULD NOT BE OPENED. The sealed envelope should be sent directly to the Service Center with the Forms and Supporting Documents.

In partnership with the U.S. Centers for Disease Control, the USCIS has developed guidelines for implementing vaccination requirements for permanent residence applicants. Meeting these requirements are now a condition of obtaining the health clearance of the Civil Surgeon at the medical examination. **The guidelines will require applicants to evidence their having been immunized against the following diseases:** mumps, measles, rubella, polio, tetanus and diphtheria toxoids, pertussis, influenza type B, hepatitis B, and any other vaccinations recommended by the Advisory Committee for Immunization Practices. We recommend that each adjustment of status applicant assemble all available evidence of such vaccinations.

Please be advised that during the medical examination individuals will also be tested for the presence of HIV virus, tuberculosis, and other major diseases.

If an applicant desires a copy of the medical report, he or she may request this from the civil surgeon at the time of the examination.

II. Fingerprints/Biometrics

Following the filing of the I-485 the Citizenship and Immigration Service will contact the Applicant regarding when he/she should have his/her Fingerprints and Biometrics taken. At that time the Applicant and each applicable family member(s) between the ages of 14 and 78 will be asked to appear at the local Application Support Center (ASC). The link below is an ASC Locator. Please refer to this link for directions and/or additional questions regarding the Fingerprinting and Biometrics Processing:

https://egov.uscis.gov/crisgwi/go?action=offices.type&OfficeLocator.office_type=ASC

III. Photo Sheet

Each beneficiary must submit six (6) color immigration-style photographs. Two (2) are needed for the Application for Permanent Residence and two (2) are required for the Application for Employment Authorization and Application for Travel Document, respectively. Please have

the photo studio follow the instructions on the attached photo sheet exactly. The Sponsor must submit two (2) color immigration-style photographs.

THE FOLLOWING ITEMS SHOULD BE PROVIDED AS COPIES, NOT ORIGINALS. *PLEASE NOTE*: THE ORIGINAL DOCUMENTS SHOULD BE READILY AVAILABLE AS THE CIS MAY REQUEST ORIGINAL DOCUMENTS AT ITS DISCRETION.

The originals should be taken to the adjustment interview.

- **Birth Certificates:** Each member of the family must have a copy of a birth certificate and English translation, if applicable. Please insure that the Applicant's name, date of birth, place of birth, and parents' names are on the document. So-called "short form" birth certificates (certificates not containing parents' names) are not acceptable. If the Applicant's country does not issue birth certificates, please refer to the Foreign Affairs Manual or: http://travel.state.gov/visa/frvi/reciprocity/reciprocity_3272.html

- **Translations:** All documents not in English must be translated. A friend or colleague fluent in both languages may translate the document. The Applicant and family members may NOT translate their own documents. Each translation should be typed and contain the attestation:

  "I, (name of translator) hereby certify that I am fluent in English and (other language) and that the attached is a true and accurate translation.

  Signed: (translator) and DATE." The translation does not need to be notarized.

- **Marriage Certificate:** Copy of marriage certificate and translation (if applicable).

- **Divorce Decree:** Copy of divorce decree and translation (if applicable).

- **Adoption Certificate:** Copy of adoption certificate and translation (if applicable).

- **Arrest Records:** Certified copies of arrest records (if applicable). Please refer to the section of this manual regarding crimes and consider speaking with an immigration attorney if the Applicant has ever been arrested anywhere in the world, even if the case was eventually dismissed.

- **Copies of Passports:** Copies of the valid and expired passports for each family member who will be applying (copy every page).

- **I-94 Cards:** Copies of I-94 cards for each member of the family. Color Copies are recommended and should be submitted with the I-485, I-765, and I-131.

- **Driver's License or State-Issued Identification Card:** Color copies of driver's license or state-issued identification card (sometimes known as "Drinking Card") for each member of the family.

- **Passport Identification Page:** TWO color copies of passport identification page for each member of the family, to be submitted with the I-765 and I-131.

- **Approval Notices:** If the Applicant (or any applicable family member) has changed nonimmigrant status or extended his/her stay, please be sure to submit all Form I-797 Notices of Approval. If the Applicant has ever been in J-1 status, please also submit copies of any Form IAP-66 (also known as DS-2019). If the Applicant has ever been in F-1 or M-1 status, please submit copies of any I-20 forms and Employment Authorization Documents still in his/her possession. The idea is to prove that the individual has always maintained valid status in the U.S.

- **Job Confirmation Letter:** An example is attached. The applicant should have his or her employer provide a letter confirming employment on the employer's letterhead and have signed by an appropriate company official. The Applicant should wait to obtain this until the application is ready to be filed.

- **Bank Letter/Statement:** Letter from the Applicant's (and Petitioner's) bank which states his/her current account balance, or a copy of his/her most recent bank statement. The Applicant (and Petitioner) should wait to obtain this until the application is ready to be filed.

- **Tax Records:** IRS Tax returns and W-2 forms for the most recent tax year.

ADDITIONAL INFORMATION REGARDING TRAVEL RESTRICTION

Please be aware that the filing of the I-485 may place restrictions on the applicant's ability to travel internationally. In order to be permitted to travel at this point, the applicant must either: (1) possess a valid H or L visa which is valid past the date of his or her return to the U.S., or (2) possess an "Advance Parole" document, which is special travel permission for individuals who have filed the I-485 and which is obtained by filing Form I-131. A copy of this form is attached.

OMB #1615-0012; Expires 01/31/11

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

Instructions for I-130, Petition for Alien Relative

Instructions

Please read these instructions carefully to properly complete this form. If you need more space to complete an answer, use a separate sheet(s) of paper. Write your name and Alien Registration Number (A #), if any, at the top of each sheet of paper and indicate the part and number of the item to which the answer refers. If you do not follow the instructions, U.S. Citizenship and Immigration Services (USCIS) may have to return your petition, which may delay final action. The filing addresses provided on this form reflect the most current information as of the date this form was last printed. If you are filing Form I-130 more than 30 days after the latest edition date shown in the lower right-hand corner, please visit our website online at **www.uscis.gov** before you file, and check the Immigration Forms page to confirm the correct filing address and version currently in use. Check the edition date located in the lower right-hand corner of the form. If the edition date on your Form I-130 matches the edition date listed for Form I-130 on the online Immigration Forms page, your version is current and will be accepted by USCIS. If the edition date on the online version is later, download a copy and use the online version. If you do not have Internet access, call the National Customer Service Center at 1-800-375-5283 to verify the current filing address and edition date. **Improperly filed forms will be rejected, and the fee returned, with instructions to resubmit the entire filing using the current form instructions.**

What Is the Purpose of This Form?

A citizen or lawful permanent resident of the United States may file this form with U.S. Citizenship and Immigration Services (USCIS) to establish the existence of a relationship to certain alien relatives who wish to immigrate to the United States.

Who May File Form I-130?

1. If you are a U.S.citizen you must file a separate Form I-130 for each eligible relative. You may file a Form I-130 for:

   A. Your husband or wife;
   B. Your unmarried child under age 21;
   C. Your unmarried son or daughter age 21 or older;
   D. Your married son or daughter of any age;
   E. Your brother(s) or sister(s) (you must be age 21 or older);
   F. Your mother or father (you must be age 21 or older).

2. If you are a lawful permanent resident of United States, you may file this form for:

   A. Your husband or wife;
   B. Your unmarried child under age 21;
   C. Your unmarried son or daughter age 21 or older.

NOTE:

1. There is no visa category for married children of permanent residents. If an unmarried son or daughter of a permanent resident marries before the permanent resident becomes a U.S. citizen, any petition filed for that son or daughter will be automatically revoked.

2. If your relative qualifies under paragraph **1(C), 1(D),** or **1(E)** above, separate petitions are not required for his or her husband or wife or unmarried children under 21 years of age.

3. If your relative qualifies under paragraph **2(B)** or **2(C)** above, separate petitions are not required for his or her unmarried children under 21 years of age.

4. The persons described in number 2 and 3 of the above **NOTE** will be able to apply for an immigrant visa along with your relative.

Who May Not File This Form I-130?

You may not file for a person in the following categories:

1. An adoptive parent or adopted child, if the adoption took place after the child's 16th birthday, or if the child has not been in the legal custody and living with the parent(s) for at least two years.

2. A natural parent, if the U.S. citizen son or daughter gained permanent residence through adoption.

3. A stepparent or stepchild, if the marriage that created the relationship took place after the child's 18th birthday.

4. A husband or wife, if you and your spouse were not both physically present at the marriage ceremony, and the marriage was not consummated.

5. A husband or wife, if you gained lawful permanent resident status by virtue of a prior marriage to a U. S. citizen or lawful permanent resident, unless:

   A. A period of five years has elapsed since you became a lawful permanent resident; or

   B. You can establish by clear and convincing evidence that the prior marriage through which you gained your immigrant status was not entered into for the purpose of evading any provision of the immigration laws; or

   C. Your prior marriage through which you gained your immigrant status was terminated by the death of your former spouse.

6. A husband or wife, if you married your husband or wife while your husband or wife was the subject of an exclusion, deportation, removal, or rescission proceeding regarding his or her right to be admitted into or to remain in the United States, or while a decision in any of these proceedings was before any court on judicial review, unless:

   You prove by clear and convincing evidence that the marriage is legally valid where it took place, **and** that you and your husband or wife married in good faith and not for the purpose of procuring the admission of your husband or wife as an immigrant, **and** that no fee or any other consideration (other than appropriate attorney fees) was given for your filing of this petition **OR**

   Your husband or wife has lived outside the United States, after the marriage, for a period of at least two years.

7. A husband or wife, if it has been legally determined that such an alien has attempted or conspired to enter into a marriage for the purpose of evading the immigration laws.

8. A grandparent, grandchild, nephew, niece, uncle, aunt, cousin, or in-law.

General Instructions

Step 1. Fill Out Form I-130

1. Type or print legibly in black ink.

2. If extra space is needed to complete any item, attach a continuation sheet, indicate the item number, and date and sign each sheet.

3. Answer all questions fully and accurately. State that an item is not applicable with "N/A." If the answer is none, write "none."

Translations. Any foreign language document must be accompanied by a full English translation that the translator has certified as complete and correct, and by the translator's certification that he or she is competent to translate the foreign language into English.

Copies. If these instructions state that a copy of a document may be filed with this petition, submit a copy. If you choose to send the original, USCIS may keep that original for our records. If USCIS requires the original, it will be requested.

What Documents Do You Need to Show That You Are a U.S. Citizen?

1. If you were born in the United States, a copy of your birth certificate, issued by a civil registrar, vital statistics office, or other civil authority.

2. A copy of your naturalization certificate or certificate of citizenship issued by USCIS or the former INS.

3. A copy of Form FS-240, Report of Birth Abroad of a Citizen of the United States, issued by a U.S. Embassy or consulate.

4. A copy of your unexpired U.S. passport; or

5. An original statement from a U.S. consular officer verifying that you are a U.S. citizen with a valid passport.

6. If you do not have any of the above documents and you were born in the United States, see instructions under **Page 3, "What If a Document Is Not Available?"**

What Documents Do You Need to Show That You Are a Permanent Resident?

If you are a permanent resident, you must file your petition with a copy of the front and back of your permanent resident card. If you have not yet received your card, submit copies of your passport biographic page and the page showing admission as a permanent resident, or other evidence of permanent resident status issued by USCIS or the former INS.

What Documents Do You Need to Prove Family Relationship?

You have to prove that there is a family relationship between you and your relative. If you are filing for:

1. **A husband or wife,** submit the following documentation:

   A. A copy of your marriage certificate.

   B. If either you or your spouse were previously married, submit copies of documents showing that all prior marriages were legally terminated.

   C. A passport-style color photo of yourself and a passport-style color photo of your husband or wife, taken within 30 days of the date of this petition. The photos must have a white background and be glossy unretouched and not mounted. The dimensions of the full frontal facial image should be about 1 inch from the chin to top of the hair. Using pencil or felt pen, lightly print the name (and Alien Registration Number, if known) on the back of each photograph.

   D. A completed and signed Form G-325A, Biographic Information, for you and a Form G-325A for your husband or wife. Except for your name and signature you do not have to repeat on Form G-325A the information given on your Form I-130 petition.

   NOTE: In addition to the required documentation listed above, you should submit one or more of the following types of documentation that may evidence that bona fides of your marriage:

   E. Documentation showing joint ownership or property; or

   F. A lease showing joint tenancy of a common residence; or

   G. Documentation showing co-mingling of financial resources; or

   H. Birth certificate(s) of child(ren) born to you, the petitioner, and your spouse together; or

   I. Affidavits sworn to or affirmed by third parties having personal knowledge of the bona fides of the marital relationship. (Each affidavit must contain the full name and address, date and place of birth of the person making the affidavit, his or her relationship to the petitioner of beneficiary, if any, and complete information and details explaining how the person acquired his or her knowledge of your marriage); or

   J. Any other relevant documentation to establish that there is an ongoing marital union.

   NOTE: If you married your husband or wife while your husband or wife was the subject of an exclusion, deportation, removal, or rescission proceeding (including judicial review of the decision in one of these proceedings), this evidence must be sufficient to establish the bona fides or your marriage by clear and convincing evidence.

2. **A child and you are the mother:** Submit a copy of the child's birth certificate showing your name and the name of your child.

3. **A child and you are the father:** Submit a copy of the child's birth certificate showing both parents' names and your marriage certificate.

4. **A child born out of wedlock and you are the father**: If the child was not legitimated before reaching 18 years old, you must file your petition with copies of evidence that a bona fide parent-child relationship existed between the father and the child before the child reached 21 years. This may include evidence that the father lived with the child, supported him or her, or otherwise showed continuing parental interest in the child's welfare.

5. **A brother or sister:** Submit a copy of your birth certificate and a copy of your brother's or sister's birth certificate showing that you have at least one common parent. If you and your brother or sister have a common father but different mothers, submit copies of the marriage certificates of the father to each mother and copies of documents showing that any prior marriages of either your father or mothers were legally terminated. If you and your brother or sister are related through adoption or through a stepparent, or if you have a common father and either of you were not legitimated before your 18th birthday, see also **8** and **9** below.

6. **A mother:** Submit a copy of your birth certificate showing your name and your mother's name.

7. **A father:** Submit a copy of your birth certificate showing the names of both parents. Also give a copy of your parents' marriage certificate establishing that your father was married to your mother before you were born, and copies of documents showing that any prior marriages of either your father or mother were legally terminated. If you are filing for a stepparent or adoptive parent, or if you are filing for your father and were not legitimated before your 18th birthday, also see **4, 8,** and **9**.

8. **Stepparent/Stepchild:** If your petition is based on a stepparent-stepchild relationship, you must file your petition with a copy of the marriage certificate of the stepparent to the child's natural parent showing that the marriage occurred before the child's 18th birthday, copies of documents showing that any prior marriages were legally terminated and a copy of the stepchild's birth certificate.

9. **Adoptive parent or adopted child:** If you and the person you are filing for are related by adoption, you must submit a copy of the adoption decree(s) showing that the adoption took place before the child became 16 years old.

If you adopted the sibling of a child you already adopted, you must submit a copy of the adoption decree(s) showing that the adoption of the sibling occurred before that child's 18th birthday.

In either case, you must also submit copies of evidence that each child was in the legal custody of and resided with the parent(s) who adopted him or her for at least two years before or after adoption. Legal custody may only be granted by a court or recognized government entity and is usually granted at the time of the adoption is finalized. However, if legal custody is granted by a court or recognized government agency prior to the adoption, that time may count to fulfill the two-year legal custody requirement.

What If Your Name Has Changed?

If either you or the person you are filing for is using a name other than shown on the relevant documents, you must file your petition with copies of the legal documents that effected the change, such as a marriage certificate, adoption decree or court order.

What If a Document Is Not Available?

In such situation, submit a statement from the appropriate civil authority certifying that the document or documents are not available. You must also submit secondary evidence, including:

A. **Church record:** A copy of a document bearing the seal of the church, showing the baptism, dedication or comparable rite occurred within two months after birth, and showing the date and place of the child's birth, date of the religious ceremony and the names of the child's parents.

B. **School record:** A letter from the authority (preferably the first school attended) showing the date of admission to the school, the child's date of birth or age at that time, place of birth, and names of the parents.

C. **Census record:** State or Federal census record showing the names, place of birth, date of birth, or the age of the person listed.

D. **Affidavits:** Written statements sworn to or affirmed by two persons who were living at the time and who have personal knowledge of the event you are trying to prove. For example, the date and place of birth, marriage or death. The person making the affidavit does not have to be a U.S. citizen. Each affidavit should contain the following information regarding the person making the affidavit: his or her full name, address, date and place of birth, and his or her relationship to you, if any, full information concerning the event, and complete details explaining how the person acquired knowledge of the event.

Where To File?

If you reside in the United States, file the I-130 form at the Lockbox according to following instructions:

If you are the petitioner and you reside in Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin, or Wyoming and you are filing only Form I-130, mail the petition to the USCIS Lockbox Facility. The address is as follows:

USCIS
P.O. Box 804625
Chicago, IL 60680-1029

If you are the petitioner and you reside in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, U.S. Virgin Islands, West Virginia, or District of Columbia and you are filing only Form I-130, mail the petition to the USCIS Lockbox Facility. The address is as follows:

USCIS
P.O. Box 804616
Chicago, IL 60680-1029

NOTE: If the Form I-130 petition is being filed concurrently with Form I-485, Application to Register Permanent Residence or Adjust Status, submit both forms concurrently to:

U.S. Citizenship and Immigration Services
P.O. Box 805887
Chicago, IL 60680-4120

For private couriers (non USPS) deliveries:

U.S. Citizenship and Immigration Services
Attn: FBASI
427 S. LaSalle - 3rd Floor
Chicago, IL 60605-1098

Petitioners residing abroad: If you live in Canada, file your petition at the Vermont Service Center. **Exception:** If you are a U.S. citizen residing in Canada, and you are petitioning for your spouse, child, or parent, you may file the petition at the nearest U.S. Embassy or consulate, except for those in Quebec City. If you reside elsewhere outside the United States file, your relative petition at the USCIS office overseas or the U.S. Embassy or consulate having jurisdiction over the area where you live. For further information, contact the nearest U.S. Embassy or consulate.

What Is the Filing Fee?

The filing fee for a Form is **$355.**

Use the following guidelines when you prepare your check or money order for Form I-130:

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 check or money order payable to **U.S. Department of Homeland Security**, unless:
   - **A.** If you live in Guam and are filing your petition there, make it payable to **Treasurer, Guam**.
   - **B.** If you live in the U.S. Virgin Islands and are filing your petition there, make it payable to **Commissioner of Finance of the Virgin Islands**.
   - **C.** If you live outside the United States, Guam, or the U.S. Virgin Islands, contact the nearest U.S. Embassy or consulate for instructions on the method of payment.

NOTE: Please spell out U.S. Department of Homeland Security; do not use the initials "USDHS" or "DHS."

How to Check If the Fees Are Correct

The form fee on this form is current as of the edition date appearing in the lower right corner of this page. However, because USCIS fees change periodically, you can verify if the fees are correct by following one of the steps below:

1. Visit our website at **www.uscis.gov**, select "Immigration Forms," and check the appropriate fee;
2. Review the fee schedule included in your form package, if you called us to request the form, or
3. Telephone our National Customer Service Center at **1-800-375-5283** and ask for the fee information.

When Will a Visa Become Available?

When a petition is approved for the husband, wife, parent, or unmarried minor child of a United States citizen, these persons are classified as immmediate relatives. They do not have to wait for a visa number because immediate relatives are not subject to the immigrant visa limit.

For alien relatives in preference categories, a limited number of immigrant visas are issued each year. The visas are processed in the order in which the petitions are properly filed and accepted by USCIS. To be considered properly filed, a petition must be fully completed and signed, and the fee must be paid.

For a monthly report on the dates when immigrant visas are available, call the **U.S. Department of State** at **(202) 663-1541,** or visit: www.travel.state.gov.

Address Changes

If you change your address and you have an application or petition pending with USCIS, you may change your address online at **www.uscis.gov**, click on "Change your address with USCIS," and follow the prompts. Or you may complete and mail Form AR-11, Alien's Change of Address Card, to:

U.S. Citizenship and Immigration Services
Change of Address
P.O. Box 7134
London, KY 40742-7134

For commercial overnight or fast freight services only, mail to:

U.S. Citizenship and Immigration Services
Change of Address
1084-I South Laurel Road
London, KY 40744

Notice to Persons Filing for Spouses, If Married Less Than Two Years

Pursuant to section 216 of the Immigration and Nationality Act, your alien spouse may be granted conditional permanent resident status in the United States as of the date he or she is admitted or adjusted to conditional status by a USCIS officer. Both you and your conditional resident spouse are required to file Form I-751, Joint Petition to Remove Conditional Basis of Alien's Permanent Resident Status, during the 90-day period immediately before the second anniversary of the date your alien spouse was granted conditional permanent resident status.

Otherwise, the rights, privileges, responsibilites, and duties that apply to all other permanent residents apply equally to a conditional permanent resident. A conditional permanent resident is not limited to the right to apply for naturalization, file petitions on behalf of qualifying relatives, or reside permanently in the United States as an immigrant in accordance with our Nation's immigration laws.

NOTE: Failure to file the Form I-751 joint petition to remove the conditional basis of the alien spouse's permanent resident status will result in the termination of his or her permanent resident status and initiation of removal proceedings.

Processing Information

Acceptance. Any I-130 petition that is not properly signed or accompanied by the correct fee will be rejected with a notice that the petition is deficient. You may correct the deficiency and resubmit the petition. However, a rejected petition does not retain a filing date. A petition is not considered properly filed until accepted by USCIS.

Initial Processing. Once the petition has been accepted, it will be checked for completeness, including submission of the required initial evidence. If you do not completely fill out the form or file it without the required initial evidence, you will not establish a basis for eligibility, and USCIS may deny your petition.

Requests for More Information. We may request more information or evidence, or we may request that you appear at a USCIS office for an interview. We may also request that you submit the originals of any copy. We will return these originals when they are no longer needed.

Decision. The decision on Form I-130 involves a determination of whether you have established eligibility for the requested benefit. You will be notified of the decision in writing.

USCIS Forms and Information

To order USCIS forms, call our toll-free number at **1-800-870-3676**. You can also get USCIS forms and information on immigration laws, regulations, and procedures by telephoning our National Customer Service Center at **1-800-375-5283** or visiting our internet website at **www.uscis.gov**.

As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our internet-based system, **InfoPass**. To access the system, visit our website. Use the **InfoPass** appointment scheduler and follow the screen prompts to set up your appointment. **InfoPass** generates an electronic appointment notice that appears on the screen.

Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with this request, we will deny the benefit you are filing for, and may deny any other immigration benefit.

In addition, you will face severe penalties provided by law, and may be subject to criminal prosecution.

Privacy Act Notice

We ask for the information on this form, and associated evidence, to determine if you have established eligibility for the immigration benefit for which you are filing. Our legal right to ask for this information is in 8 U.S.C. 1255. We may provide this information to other government agencies. Failure to provide this information, and any requested evidence, may delay a final decision or result in denial of your request.

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 OMB control number. The public reporting burden for this collection of information is estimated at 90 minutes per response, including the time for reviewing instructions and completing and submitting the form. 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, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529. OMB No. 1615-0012. **Do not mail your application to this address.**

Checklist

- Did you answer each question on the Form I-130 petition?
- Did you sign and date the petition?
- Did you enclose the correct filing fee for each petition?
- Did you submit proof of your U.S. citizenship or lawful permanent residence?
- Did you submit other required supporting evidence?

If you are filing for your husband or wife, did you include:

- His or her photograph?
- Your completed Form G-325A?
- His or her Form G-325A?

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

OMB #1615-0012; Expires 01/31/11

I-130, Petition for Alien Relative

DO NOT WRITE IN THIS BLOCK - FOR USCIS OFFICE ONLY

A#

Section of Law/Visa Category

- ☐ 201(b) Spouse - IR-1/CR-1
- ☐ 201(b) Child - IR-2/CR-2
- ☐ 201(b) Parent - IR-5
- ☐ 203(a)(1) Unm. S or D - F1-1
- ☐ 203(a)(2)(A)Spouse - F2-1
- ☐ 203(a)(2)(A) Child - F2-2
- ☐ 203(a)(2)(B) Unm. S or D - F2-4
- ☐ 203(a)(3) Married S or D - F3-1
- ☐ 203(a)(4) Brother/Sister - F4-1

Action Stamp

Fee Stamp

Petition was filed on: _____ (priority date)

- ☐ Personal Interview
- ☐ Pet. ☐ Ben. " A" File Reviewed
- ☐ Field Investigation
- ☐ 203(a)(2)(A) Resolved
- ☐ Previously Forwarded
- ☐ I-485 Filed Simultaneously
- ☐ 204(g) Resolved
- ☐ 203(g) Resolved

Remarks:

A. Relationship

You are the petitioner. Your relative is the beneficiary.

1. I am filing this petition for my: ☐ Husband/Wife ☐ Parent ☐ Brother/Sister ☐ Child

2. Are you related by adoption? ☐ Yes ☐ No

3. Did you gain permanent residence through adoption? ☐ Yes ☐ No

B. Information about you

1. **Name** (Family name in CAPS) (First) (Middle)

2. **Address** (Number and Street) (Apt. No.)

(Town or City) (State/Country) (Zip/Postal Code)

3. **Place of Birth** (Town or City) (State/Country)

4. **Date of Birth**

5. **Gender** ☐ Male ☐ Female

6. **Marital Status** ☐ Married ☐ Single ☐ Widowed ☐ Divorced

7. **Other Names Used** (including maiden name)

8. **Date and Place of Present Marriage** (if married)

9. **U.S. Social Security Number** (If any)

10. **Alien Registration Number**

11. **Name(s) of Prior Husband(s)/Wive(s)**

12. **Date(s) Marriage(s) Ended**

13. **If you are a U.S. citizen, complete the following:**

My citizenship was acquired through (check one):

☐ Birth in the U.S.

☐ Naturalization. Give certificate number and date and place of issuance.

☐ Parents. Have you obtained a certificate of citizenship in your own name?

☐ Yes. Give certificate number, date and place of issuance. ☐ No

14. **If you are a lawful permanent resident alien, complete the following:**

Date and place of admission for or adjustment to lawful permanent residence and class of admission.

14b. **Did you gain permanent resident status through marriage to a U.S. citizen or lawful permanent resident?**

☐ Yes ☐ No

C. Information about your relative

1. **Name** (Family name in CAPS) (First) (Middle)

2. **Address** (Number and Street) (Apt. No.)

(Town or City) (State/Country) (Zip/Postal Code)

3. **Place of Birth** (Town or City) (State/Country)

4. **Date of Birth**

5. **Gender** ☐ Male ☐ Female

6. **Marital Status** ☐ Married ☐ Single ☐ Widowed ☐ Divorced

7. **Other Names Used** (including maiden name)

8. **Date and Place of Present Marriage** (if married)

9. **U.S. Social Security Number** (If any)

10. **Alien Registration Number**

11. **Name(s) of Prior Husband(s)/Wive(s)**

12. **Date(s) Marriage(s) Ended**

13. **Has your relative ever been in the U.S.?** ☐ Yes ☐ No

14. **If your relative is currently in the U.S., complete the following:**

He or she arrived as a:
(visitor, student, stowaway, without inspection, etc.)

Arrival/Departure Record (I-94) **Date arrived**

Date authorized stay expired, or will expire, as shown on Form I-94 or I-95

15. **Name and address of present employer** (if any)

Date this employment began

16. **Has your relative ever been under immigration proceedings?**

☐ No ☐ Yes Where _____ When _____

☐ Removal ☐ Exclusion/Deportation ☐ Rescission ☐ Judicial Proceedings

INITIAL RECEIPT _____ RESUBMITTED _____ RELOCATED: Rec'd _____ Sent _____ COMPLETED: Appv'd _____ Denied _____ Ret'd _____

C. Information about your alien relative (continued)

17. List husband/wife and all children of your relative.

(Name) (Relationship) (Date of Birth) (Country of Birth)

18. Address in the United States where your relative intends to live.

(Street Address) (Town or City) (State)

19. Your relative's address abroad. (Include street, city, province and country) Phone Number (if any)

20. If your relative's native alphabet is other than Roman letters, write his or her name and foreign address in the native alphabet.

(Name) Address (Include street, city, province and country):

21. If filing for your husband/wife, give last address at which you lived together. (Include street, city, province, if any, and country):

From: **To:**

22. Complete the information below if your relative is in the United States and will apply for adjustment of status.

Your relative is in the United States and will apply for adjustment of status to that of a lawful permanent resident at the USCIS office in:

If your relative is not eligible for adjustment of status, he or she will apply for a visa abroad at the American consular post in:

(City) (State) (City) (Country

NOTE: Designation of an American embassy or consulate outside the country of your relative's last residence does not guarantee acceptance for processing by that post. Acceptance is at the discretion of the designated embassy or consulate.

D. Other information

1. If separate petitions are also being submitted for other relatives, give names of each and relationship.

2. Have you ever before filed a petition for this or any other alien? ☐ Yes ☐ No

If "Yes," give name, place and date of filing and result.

WARNING: USCIS investigates claimed relationships and verifies the validity of documents. USCIS seeks criminal prosecutions when family relationships are falsified to obtain visas.

PENALTIES: By law, you may be imprisoned for not more than five years or fined $250,000, or both, for entering into a marriage contract for the purpose of evading any provision of the immigration laws. In addition, you may be fined up to $10,000 and imprisoned for up to five years, or both, for knowlingly and willfully falsifying or concealing a material fact or using any false document in submitting this petition.

YOUR CERTIFICATION: I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Furthermore, I authorize the release of any information from my records that the U.S. Citizenship and Immigration Services needs to determine eligiblity for the benefit that I am seeking.

E. Signature of petitioner.

Date Phone Number ( )

F. Signature of person preparing this form, if other than the petitioner.

I declare that I prepared this document at the request of the person above and that it is based on all information of which I have any knowledge.

Print Name Signature Date

Address **G-28 ID or VOLAG Number, if any.**

OMB No. 1615-0008; Exp. 05/31/09

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

G-325A, Biographic Information

(Family Name)	(First Name)	(Middle Name)	☐ Male ☐ Female	Birth Date (mm/dd/yyyy)	Citizenship/Nationality	File Number A
All Other Names Used (Including names by previous marriages)			City and Country of Birth			U.S. Social Security # *(If any)*

	Family Name	First Name	Date, City and Country of Birth (If known)	City and Country of Residence
Father				
Mother (Maiden Name)				

Husband or Wife (If none, so state.)	Family Name (For wife, give maiden name)	First Name	Birth Date (mm/dd/yyyy)	City and Country of Birth	Date of Marriage	Place of Marriage

Former Husbands or Wives (If none, so state) Family Name (For wife, give maiden name)	First Name	Birth Date (mm/dd/yyyy)	Date and Place of Marriage	Date and Place of Termination of Marriage

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

Street and Number	City	Province or State	Country	From Month	From Year	To Month	To Year
						Present Time	

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

Street and Number	City	Province or State	Country	From Month	From Year	To Month	To Year

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

Full Name and Address of Employer	Occupation (Specify)	From Month	From Year	To Month	To Year
				Present Time	

Show below last occupation abroad if not shown above. (Include all information requested above.)

This form is submitted in connection with an application for: ☐ Naturalization ☐ Other (Specify): _____ ☐ Status as Permanent Resident	**Signature of Applicant**	Date
Submit all copies of this form.	If your native alphabet is in other than Roman letters, write your name in your native alphabet below:	

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

Applicant: Be sure to put your name and Alien Registration Number in the box outlined by heavy border below.

Complete This Box (Family Name)	**(Given Name)**	**(Middle Name)**	**(Alien Registration Number)**

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

G-325A, Biographic Information

(Family Name)	(First Name)	(Middle Name)	☐ Male ☐ Female	Birth Date (mm/dd/yyyy)	Citizenship/Nationality	File Number A
All Other Names Used (Including names by previous marriages)			City and Country of Birth			U.S. Social Security # *(If any)*

	Family Name	First Name	Date, City and Country of Birth (If known)	City and Country of Residence
Father				
Mother (Maiden Name)				

Husband or Wife (If none, so state.)	Family Name (For wife, give maiden name)	First Name	Birth Date (mm/dd/yyyy)	City and Country of Birth	Date of Marriage	Place of Marriage

Former Husbands or Wives (If none, so state) Family Name (For wife, give maiden name)	First Name	Birth Date (mm/dd/yyyy)	Date and Place of Marriage	Date and Place of Termination of Marriage

Applicant's residence last five years. List present address first.				**From**		**To**	
Street and Number	City	Province or State	Country	Month	Year	Month	Year
						Present Time	

Applicant's last address outside the United States of more than one year.				**From**		**To**	
Street and Number	City	Province or State	Country	Month	Year	Month	Year

Applicant's employment last five years. (If none, so state.) List present employment first.		**From**		**To**	
Full Name and Address of Employer	Occupation (Specify)	Month	Year	Month	Year
				Present Time	

Show below last occupation abroad if not shown above. (Include all information requested above.)					

This form is submitted in connection with an application for: ☐ Naturalization ☐ Other (Specify): _____ ☐ Status as Permanent Resident	**Signature of Applicant**	Date
Submit all copies of this form.	If your native alphabet is in other than Roman letters, write your name in your native alphabet below:	

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

Applicant: Be sure to put your name and Alien Registration Number in the box outlined by heavy border below.

Complete This Box (Family Name)	**(Given Name)**	**(Middle Name)**	**(Alien Registration Number)**

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

G-325A, Biographic Information

(Family Name)	(First Name)	(Middle Name)	☐ Male ☐ Female	Birth Date (mm/dd/yyyy)	Citizenship/Nationality	File Number A
All Other Names Used (Including names by previous marriages)			City and Country of Birth			U.S. Social Security # *(If any)*

	Family Name	First Name	Date, City and Country of Birth (If known)	City and Country of Residence
Father				
Mother (Maiden Name)				

Husband or Wife (If none, so state.)	Family Name (For wife, give maiden name)	First Name	Birth Date (mm/dd/yyyy)	City and Country of Birth	Date of Marriage	Place of Marriage

Former Husbands or Wives (If none, so state) Family Name (For wife, give maiden name)	First Name	Birth Date (mm/dd/yyyy)	Date and Place of Marriage	Date and Place of Termination of Marriage

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

Street and Number	City	Province or State	Country	From Month	From Year	To Month	To Year
						Present Time	

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

Street and Number	City	Province or State	Country	From Month	From Year	To Month	To Year

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

Full Name and Address of Employer	Occupation (Specify)	From Month	From Year	To Month	To Year
				Present Time	

Show below last occupation abroad if not shown above. (Include all information requested above.)

This form is submitted in connection with an application for: ☐ Naturalization ☐ Other (Specify): _____ ☐ Status as Permanent Resident	**Signature of Applicant**	Date
Submit all copies of this form.	If your native alphabet is in other than Roman letters, write your name in your native alphabet below:	

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

Applicant: Be sure to put your name and Alien Registration Number in the box outlined by heavy border below.

Complete This Box (Family Name)	**(Given Name)**	**(Middle Name)**	**(Alien Registration Number)**

See Instructions on **Page 5**

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

G-325A, Biographic Information

(Family Name)	(First Name)	(Middle Name)	☐ Male ☐ Female	Birth Date (mm/dd/yyyy)	Citizenship/Nationality	File Number A
All Other Names Used (Including names by previous marriages)			City and Country of Birth			U.S. Social Security # *(If any)*

	Family Name	First Name	Date, City and Country of Birth (If known)	City and Country of Residence
Father				
Mother (Maiden Name)				

Husband or Wife (If none, so state.)	Family Name (For wife, give maiden name)	First Name	Birth Date (mm/dd/yyyy)	City and Country of Birth	Date of Marriage	Place of Marriage

Former Husbands or Wives (If none, so state) Family Name (For wife, give maiden name)	First Name	Birth Date (mm/dd/yyyy)	Date and Place of Marriage	Date and Place of Termination of Marriage

Applicant's residence last five years. List present address first.				**From**		**To**	
Street and Number	City	Province or State	Country	Month	Year	Month	Year
						Present Time	

Applicant's last address outside the United States of more than one year.				**From**		**To**	
Street and Number	City	Province or State	Country	Month	Year	Month	Year

Applicant's employment last five years. (If none, so state.) List present employment first.		**From**		**To**	
Full Name and Address of Employer	Occupation (Specify)	Month	Year	Month	Year
				Present Time	

Show below last occupation abroad if not shown above. (Include all information requested above.)					

This form is submitted in connection with an application for: ☐ Naturalization ☐ Other (Specify): _____ ☐ Status as Permanent Resident	**Signature of Applicant**	Date
Submit all copies of this form.	If your native alphabet is in other than Roman letters, write your name in your native alphabet below:	

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

Applicant: Be sure to put your name and Alien Registration Number in the box outlined by heavy border below.

Complete This Box (Family Name)	**(Given Name)**	**(Middle Name)**	**(Alien Registration Number)**

Instructions

What Is the Purpose of This Form?

Complete this biographical information form and include it with the application or petition you are submitting to U.S. Citizenship and Immigration Services (USCIS).

USCIS will use the information you provide on this form to process your application or petition. Complete and submit all copies of this form with your petition or application.

If you have any questions on how to complete the form, call our National Customer Service Center at **1-800-375-5283**.

Privacy Act Notice.

We ask for the information on this form and associated evidence to determine if you have established eligibility for the immigration benefit you are seeking. Our legal right to ask for this information is in 8 USC 1101 and 1255. We may provide this information to other Government agencies. Failure to provide this information may delay a final decision or result in denial of your application or petition.

Paperwork Reduction Act Notice.

A person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

We try to create forms and instructions that are accurate, can be easily understood and that impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex.

The estimated average time to gather the requested information, complete the form and include it with the appropriate application or petition for filing purposes is 15 minutes. If you have any comments regarding the accuracy of this estimate or suggestions for making this form simpler, write to U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Avenue, N.W., Washington, D.C. 20529; OMB No. 1615-0008. **Do not send your form to this Washington, D.C. address.**

OMB No. 1615-0023; Expires 09/30/08

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

Instructions for I-485, Application to Register Permanent Residence or Adjust Status

Updated filing Address Information

The filing addresses provided on this form reflect the most current information as of the date this form was last printed. If you are filing Form I-485 more than 30 days after the latest edition date shown in the lower right-hand corner, please visit our website at **www.uscis.gov** before you file, and check the Forms and Fees page to confirm the correct filing address and version currently in use. Check the edition date located at the lower right-hand corner of the form. If the edition date on your Form I-485 matches the edition date listed for Form I-485 on the online Forms and Fees page, your version is current and will be accepted by USCIS. If the edition date on the online version is later, download a copy and use the online version. If you do not have internet access, call the National Customer Service Center at **1-800-375-5283** to verify the current filing address and edition date. **Improperly filed forms will be rejected, and the fee returned, with instructions to resubmit the entire filing using the current form instructions.**

What Is the Purpose of This Form?

This form is used by a person who is in the United States to apply to U.S. Citizenship and Immigration Services (USCIS) to adjust to permanent resident status or register for permanent residence.

This form may also be used by certain Cuban nationals to request a change in the date that their permanent residence began.

Who May File This Form I-485?

1. Based on an immigrant petition.

You may apply to adjust your status if:

A. An immigrant visa number is immediately available to you based on an approved immigrant petition; or

B. You are filing this application with a completed relative petition, special immigrant juvenile petition or special immigrant military petition which if approved would make an immigrant visa number immediately available to you.

2. Based on being the spouse or child (derivative) - at the time another adjustment applicant (principal) files to adjust status or at the time a person is granted permanent resident status in an immigrant category that allows derivative status for spouses and children.

A. If the spouse or child is in the United States, the individual derivatives may file their Form I-485 adjustment of status applications concurrently with the Form I-485 for the principal applicant, or file the Form I-485 at anytime after the principal is approved, if a visa number is available.

B. If the spouse or child is residing abroad, the person adjusting status in the United States should file the **Form I-824, Application for Action on an Approved Application or Petition, concurrently** with the principal's adjustment of status application to allow the derivatives to immigrate to the United States without delay if the principal's adjustment of status application is approved. **The fee submitted with the Form I-824 will not be refunded if the principal's adjustment is not granted.**

3. Based on admission as the fiancé(e) of a U.S. citizen and subsequent marriage to that citizen.

A. You may apply to adjust status if you were admitted to the United States as the K-1 fiancé(e) of a United States citizen and you married that citizen within 90 days of your entry.

B. If you were admitted as the K-2 child of such a fiancé(e), you may apply to adjust status based on your parent's adjustment application.

4. Based on asylum status.

You may apply to adjust status after you have been granted asylum in the United States if you have been physically present in the United States for one year after the grant of asylum, provided you still qualify as an asylee or as the spouse or child of a refugee.

5. Based on refugee status.

You may apply to adjust status after you have been admitted as a refugee and have been physically present in the United States for one year following your admission, provided that your status has not been terminated.

6. Based on Cuban citizenship or nationality.

You may apply to adjust status if:

A. You are a native or citizen of Cuba, were admitted or paroled into the United States after January 1, 1959, and thereafter have been physically present in the United States for at least one year; or

B. You are the spouse or unmarried child of a Cuban described above and regardless of your nationality, you were admitted or paroled after January 1, 1959, and thereafter have been physically present in the United States for at least one year.

7. **Applying to change the date on which your permanent residence began.**

If you were granted permanent residence in the United States prior to November 6, 1966, and are a native or citizen of Cuba, or you are the spouse or unmarried child of such an individual, you may ask to change the date your lawful permanent residence began to your date of arrival in the United States or May 2, 1964, whichever is later.

8. **Based on continuous residence since before January 1, 1972.**

You may apply for permanent residence if you have continuously resided in the United States since before January 1, 1972. This is known as "Registry."

9. **Other basis of eligibility.**

If you are not included in the above categories, but believe you may be eligible for adjustment or creation of record of permanent residence, contact our National Customer Service Center at **1-800-375-5283** for information on how to use the internet to make an application at your local USCIS office.

10. **Who Is Not Eligible to Adjust Status.**

Unless you are applying for creation of record based on continuous residence since before January 1, 1972, or adjustment of status under a category in which special rules apply (such as 245(i) adjustment, asylum adjustment, Cuban adjustment, special immigrant juvenile adjustment, or special immigrant military personnel adjustment), **you are not eligible for adjustment of status if any of the following apply to you:**

A. You entered the United States in transit without a visa;

B. You entered the United States as a nonimmigrant crewman;

C. You were not admitted or paroled following inspection by an immigration officer;

D. Your authorized stay expired before you filed this application;

E. You were employed in the United States, without USCIS authorization, prior to filing this application;

F. You failed to maintain your nonimmigrant status, other than through no fault of your own or for technical reasons; unless you are applying because you are:

1. An immediate relative of a United States citizen (parent, spouse, widow, widower or unmarried child under 21 years old);

2. A K-1 fiancé(e) or a K-2 fiancé(e) dependent who married the United States petitioner within 90 days of admission; or

3. An H or I nonimmigrant or special immigrant (foreign medical graduates, international organization employees or their derivative family members);

7. You were admitted as a K-1 fiancé(e), but did not marry the U.S. citizen who filed the petition for you, or you were admitted as the K-2 child of a fiancé(e) and your parent did not marry the United States citizen who filed the petition;

8. You are or were a J-1 or J-2 exchange visitor and are subject to the two-year foreign residence requirement and you have not complied with or been granted a waiver of the requirement;

9. You have A, E or G nonimmigrant status or have an occupation that would allow you to have this status, unless you complete Form I-508 (I-508F for French nationals) to waive diplomatic rights, privileges and immunities and, if you are an A or G nonimmigrant, unless you submit a completed Form I-566;

10. You were admitted to Guam as a visitor under the Guam visa waiver program;

11. You were admitted to the United States as a visitor under the Visa Waiver Program, unless you are applying because you are an immediate relative of a U.S. citizen (parent, spouse, widow, widower or unmarried child under 21 years old); or

12. You are already a conditional permanent resident.

General Instructions.

Fill Out the Form I-485

1. Type or print legibly in black ink.

2. If extra space is needed to complete any item, attach a continuation sheet, indicate the item number, and date and sign each sheet.

3. Answer all questions fully and accurately. State that an item is not applicable with "N/A." If the answer is none, write "none."

4. You must file your application with the required **Initial Evidence** described below. Your application must be properly signed and filed with the correct fee. If you are under 14 years of age, your parent or guardian may sign your application.

Translations. Any document containing foreign language submitted to the Service shall be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English.

Copies. Unless specifically required that an original document be filed with an application or petition, an ordinary legible photocopy may be submitted. Original documents submitted when not required will remain a part of the record, even if the submission was not required.

Initial Evidence.

You must file your application with the following evidence:

1. Criminal history.

A. If you have ever been arrested or detained by any law enforcement officer for any reason, and no charges were filed, submit:

An original official statement by the arresting agency or applicable court order confirming that no charges were filed.

B. If you have ever been arrested or detained by any law enforcement officer for any reason, and charges were filed, or if charges were filed against you without an arrest, submit:

An original or court-certified copy of the complete arrest record and/or disposition for each incident (e.g., dismissal order, conviction record **or** acquittal order).

C. If you have ever been convicted or placed in an alternative sentencing program or rehabilitative program (such as a drug treatment or community service program), submit:

1. An original or court-certified copy of the sentencing record for each incident, **and**
2. Evidence that you completed your sentence, specifically:
   - **a.** An original or certified copy of your probation or parole record, or
   - **b.** Evidence that you completed an alternative sentencing program or rehabilitative program.

D. If you have ever had any arrest or conviction vacated, set aside, sealed, expunged or otherwise removed from your record, submit:

1. An original or court-certified copy of the court order vacating, setting aside, sealing, expunging or otherwise removing the arrest or conviction, **or**
2. An original statement from the court that no record exists of your arrest or conviction.

NOTE that unless a traffic incident was alcohol or drug related, you do not need to submit documentation for traffic fines and incidents that did not involve an actual arrest if the only penalty was a fine of less than $500 and/or points on your driver's license.

2. Birth certificate.

Submit a copy of your foreign birth certificate or other record of your birth that meets the provisions of secondary evidence found in Title 8, Code of Federal Regulations (CFR), 103.2(b)(2).

3. Copy of passport page with nonimmigrant visa.

If you have obtained a nonimmigrant visa(s) from an American embassy or consulate abroad within the last year, submit a photocopy(ies) of the page(s) of your passport containing the visa(s).

4. Photos.

You **must** submit two identical color photographs of yourself taken within 30 days of the filing of this application. The photos must have a white to off-white background, be printed on thin paper with a glossy finish, and be unmounted and unretouched.

Passport-style photos must be 2" x 2." The photos must be in color with full face, frontal view on a white to off-white background. Head height should measure 1" to 1 3/8" from top of hair to bottom of chin, and eye height is between 1 1/8" to 1 3/8" from bottom of photo. Your head must be bare unless you are wearing a headdress as required by a religious order of which you are a member. Using pencil or felt pen, lightly print your name and Alien Receipt Number on the back of the photo.

5. Biometric services.

If you are between the ages of 14 and 79, you must be fingerprinted as part of the USCIS biometric services requirement. After you have filed this application, USCIS will notify you in writing of the time and location where you must go to be fingerprinted. If necessary, USCIS may also take your photograph and signature. Failure to appear to be fingerprinted or for other biometric services may result in a denial of your application.

6. Police clearances.

If you are filing for adjustment of status as a member of a special class described in an I-485 supplement form, please read the instructions on the supplement form to see if you need to obtain and submit police clearances, in addition to the required fingerprints, with your application.

7. Medical examination.

When required, submit a medical examination report on the form you have obtained from USCIS.

A. Individuals applying for adjustment of status through a USCIS service center.

1. **General:**
   If you are filing your adjustment of status application with a USCIS service center, include your medical examination report with the application, unless you are a refugee.

2. **Refugees:**
   If you are applying for adjustment of status one year after you were admitted as a refugee, you only need to submit a vaccination supplement with your adjustment of status application, not the entire medical report, **unless** there were medical grounds of inadmissibility that arose during the initial examination that you had overseas.

B. Individuals applying for adjustment of status through a local USCIS office.

If you are filing your adjustment of status application with a local USCIS office include your medical examination report with the application.

8. Fiancé(e)s.

If you are a K-1 fiancé(e) or K-2 dependent who had a medical examination within the past year as required for the nonimmigrant fiancé(e) visa, you only need to submit a vaccination supplement, not the entire medical report. You may include the vaccination supplement with your adjustment of status application.

9. Persons not required to have a medical examination.

The medical report is not required if you are applying for creation of a record for admission as a lawful permanent resident under section 249 of the INA as someone who has continuously resided in the United States since January 1, 1972 (registry applicant).

13. Form G-325A, Biographic Information Sheet.

You must submit a completed Form G-325A if you are between 14 and 79 years of age.

14. Affidavit of Support/Employment Letter.

A. Affidavit of Support.

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

B. Employment Letter.

If your adjustment of status application is related to an employment based visa petition (Form I-140), you must submit a letter on the letterhead of the petitioning employer which confirms that the job on which the visa petition is based is still available to you. The letter must also state the salary that will be paid.

NOTE: The affidavit of support and/or employment letter are not required if you are applying for creation of a record based on continuous residence since before January 1, 1972, asylum or refugee adjustment, or a Cuban citizen or a spouse or unmarried child of a Cuban citzen who was admitted after January 1, 1959.

15. Evidence of eligibility.

A. Based on an immigrant petition.

Attach a copy of the approval notice for an immigrant petition that makes a visa number immediately available to you, or submit a complete relative, special immigrant juvenile, or special immigrant military petition which, if approved, will make a visa number immediately available to you.

B. Based on admission as the K-1 fiancé(e) of a U. S. citizen and subsequent marriage to that citizen.

Attach a copy of the fiancé(e) petition approval notice, a copy of your marriage certificate and your Form 1-94.

C. Based on asylum status.

Attach a copy of the letter or Form 1-94 that shows the date you were granted asylum.

D. Based on continuous residence in the United States since before January 1, 1972.

Attach copies of evidence that shows continuous residence since before January 1, 1972.

16. Based on Cuban citizenship or nationality.

Attach evidence of your citizenship or nationality, such as a copy of your passport, birth certificate or travel document.

17. Based on derivative status as the spouse or child of another adjustment applicant or person granted permanent residence based on issuance of an immigrant visa.

File your application with the application of the other applicant, or with evidence that the application is pending with USCIS or was approved, or with evidence that your spouse or parent was granted permanent residence based on an immigrant visa, and:

If you are applying as the spouse of that person, also attach a copy of your marriage certificate and copies of documents showing the legal termination of all other marriages by you and your spouse;

If you are applying as the child of that person, attach also a copy of your birth certificate and, if the other person is not your parent, submit copies of evidence (such as a marriage certificate and documents showing the legal termination of all other marriages and an adoption decree) to demonstrate that you qualify as his or her child.

18. Other basis for eligibility.

Attach copies of documents proving that you are eligible for the classification.

Where Should You File Form I-485?

Form I-485 USCIS Lockbox Filing Address for Local Office Filings:

If you are applying for adjustment of status under one of the eligibility categories listed below, file your Form I-485, Application to Register Permanent Residence or Adjust Status with the USCIS Lockbox Facility.

1. Spouse, parent, unmarried son/daughter under age 21 of a U.S. Citizen with an approved or concurrently filed Form I-130;
2. Beneficiary of an approved Form I-130 filed by a qualifying relative;
3. Qualifying derivative, family-based beneficiary;
4. K-1 Fiancé(e) (and K-2 dependents) whose Form I-485 is based on an approved Form I-129F;
5. Applicants who are beneficiaries of an approved Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, as a battered spouse or child;
6. Widow/widower of a U.S. Citizen with an approved or concurrently filed Form I-360;
7. Special Immigrant Military filing Form I-485 based on honorable active duty service in the U.S. armed forces with an approved or concurrently filed Form I-360;
8. Special Immigrant juvenile with a pending or concurrently filed Form I-360;
9. Amerasians with an approved or concurrently filed Form I-360;
10. Applicants eligible under the Cuban Adjustment Act of November 2, 1965.
11. Diversity lottery winner eligible to file Form I-485;
12. Public Interest Parolees from certain former Soviet and Southeast Asian countries filing Form I-485 under Public Law 101-167 (the "Lautenberg Amendment");
13. Registry applicant filing Form I-485 based on birth in the U.S. to a foreign diplomatic officer;
14. Former diplomat filing Form I-485 under Section 13 of the Immigration and Nationality Act;
15. Registry applicant filing Form I-485 based on continuous residence in the U.S. since before 01/01/72 **or**
16. Applicants who are beneficiaries of Private Bills:

USCIS Lockbox Addresses:

For United Postal Service (USPS) deliveries:

USCIS
P.O. Box 805887
Chicago, IL 60680-4120

For private couriers (non-USPS) deliveries:

USCIS
Attn: FBASI
427 S. LaSalle - 3rd Floor
Chicago, IL 60605-1029

Form I-485 Service Center Filing Addresses:

1. **Form I-485 is Based on an Underlying Form I-140, Immigrant Petition for Alien Worker:**

   Adjustment of status applications filed based on a concurrently filed, pending, or approved Form I-140 must be filed with the Nebraska Service Center or the Texas Service Center, depending on where the applicant lives. If you wish to concurrently file your Form I-485 and Form I-140 an immigrant visa number must be immediately available at the time of filing.

   NOTE: To facilitate acceptance and processing of Form I-485 when Form I-140 has already been approved, submit a copy of the I-140 approval notice. If Form I-140 is pending, submit copies of the Form I-140 receipt notice and the page of the DOL labor certification showing the priority date (if labor certification is required) or just a copy of the Form I-140 receipt notice (but only if a labor certification is not required).

If you live in the following states: Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin or Wyoming, the mailing address you should use is:

USCIS
Nebraska Service Center
P. O. Box 87485
Lincoln, NE 68501-7485

If you live in the following states: Alabama, Arkansas, Connecticut, Florida, Georgia, Kentucky, Louisianna, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, South Carolina, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, Tennessee, Texas, Vermont, Virginia, U.S. Virgin Islands, West Virginia or Washington, DC, the mailing address you should use is:

USCIS
Texas Service Center
P. O. Box 851804
Mesquite, TX 75185-1804

2. **Form I-485 is Based on an Underlying Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant:**

   A. **Filing Address for International Organization Employee or Family Member:**

   Adjustment of status applications filed based on a concurrently filed, pending, or approved Form I-360 for International Organization Employee or eligible family member must be filed with the Nebraska Service Center (see address below).

   B. **Filing Address for Afghan and Iraqi Translators:**

   Adjustment of status applications filed based on an approved Form I-360 for Afghan and Iraqi Translators must be filed with the Nebraska Service Center (see address below). You cannot concurrently file Forms I-360 and I-485 for this classification.

   C. **Filing Address for Other I-360 Categories:**

   Other adjustment of status applications filed based on an approved Form I-360 for the following classifications **must** be filed with the Nebraska Service Center or the Texas Service Center, depending on where the applicant lives.

NOTE: You **cannot** concurrently file Forms I-360 and I-485 for the following classifications:

1. **Religious Worker or Minister;**
2. **Panama Canal Company Employment;**
3. **U.S. Government in Canal Zone Employment;**
4. **Special Immigrant Physician; or**
5. **International Broadcasters.**

If you live in the following states: Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin or Wyoming, send your application to the Nebraska Service Center:

USCIS
Nebraska Service Center
P.O. Box 87485
Lincoln, NE 68501-7485

If you live in the following states: Alabama, Arkansas, Connecticut, Florida, Georgia, Kentucky, Louisianna, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, South Carolina, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, Tennessee, Texas, Vermont, Virginia, U.S. Virgin Islands, West Virginia or Washington, DC, send your application to the Texas Service Center:

USCIS
Texas Service Center
P.O. Box 851804
Mesquite, TX 75185-1804

3. **Form I-485 is Based on an Underlying Form I-526, Immigrant Petition by Alien Entrepreneur:**

   If you are an immigrant investor with an approved Form I-526, you **must** file Form I-485 with the Texas Service Center, regardless of where the business enterprise is located.

NOTE: You **cannot** concurrently file form I-526 and I-485.

USCIS
Texas Service Center
P.O. Box 851804
Mesquite, TX 75185-1804

4. **Filing Address for Asylee Adjustment of Status applicants:**

   All asylee adjustment of status applications must be filed with the Nebraska Service Center or the Texas Service Center, depending on where the applicant lives. If you are

filing Form I-131, Application for Travel Document, to enable you to travel outside the U. S. while your adjustment of status application is pending, you should indicate that you are requesting a refugee travel document. The relating Form I-131 for a Refugee Travel document is filed with the Nebraska Service Center, regardless of the Form I-485 filing location.

If you live in the following states: Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin or Wyoming, the mailing address you should use is:

USCIS
Nebraska Service Center
P.O. Box 87485
Lincoln, NE 68501-7485

If you live in the following states: Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisianna, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, South Carolina, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, Tennessee, Texas, Vermont, Virginia, U.S. Virgin Islands, West Virginia or Washington, DC, send your application to the Texas Service Center:

USCIS
Texas Service Center
P.O. Box 852211
Mesquite, TX 75185-2211

5. **Filing Address for Refugee Adjustment of Status applicants:**

All refugee adjustment of status applications must be filed with the Nebraska Service Center:

USCIS
Nebraska Service Center
P.O. Box 87209
Lincoln, NE 68501-7209

6. **Filing Address for HRIFA dependents:**

Only the dependents spouse and children of the principal granted legal status under HRIFA are eligible to apply for benefits under HRIFA. The filing period for principal HRIFA applicants has closed. All HRIFA applications for dependents must be filed at the Nebraska Service Center.

USCIS
Nebraska Service Center
P.O. Box 87245
Lincoln, NE 68501-7245

Questions Regarding Form I-485

For additional information about Form I-485, including how to file your application or filing locations not mentioned, call the USCIS National Customer Service Center at **1-800-375-5283** or visit our website at **www.uscis.gov**.

What Is the Filing Fee?

The filing fee for a Form I-485 is **$930.00.**

An additional biometric fee of **$80.00** is required when filing this Form I-485. After you submit Form I-485, USCIS will notify you about when and where to go for biometric services.

The fee is **$930.00** only (no biometrics fee required) for applicants under 14 years who submits Form I-485 independent from other family members.

The fee for a child under the age fourteen years will be **$600.00** when submitted concurrently for adjudication with the application of a parent under sections 201(b)(A)(i), 203(a)(2)(A) and 203(d) of the INA.

You may submit one check or money order for both the application and biometric fees, for a total of **$1010.00**.

Use the following guidelines when you prepare your check or money order for the Form I-485 and the biometric service 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 check or money order payable to **U.S. Department of Homeland Security**, unless:

   A. If you live in Guam and are filing your petition there, make it payable to **Treasurer of Guam**.

   B. If you live in the U.S. Virgin Islands and are filing your petition there, make it payable to **Commissioner of Finance of the Virgin Islands.**

NOTE: Effective July 30, 2007, if you file Form I-485 to adjust your status as a permanent resident, no additional fee is required to also file an application for employment authorization on Form I-765 and/or advance parole on Form I-131. You may file these forms concurrently. If you choose to file the I-765 and/or I-131 separately after the effective date, you must also submit a copy of your I-797C, Notice of Action, receipt as evidence of the filing of an I-485.

NOTE: Please 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, it will be converted 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 will be shown on your regular account statement.

You will not receive your original check back. We will destroy your original check, but we will keep a copy of it. If the EFT cannot be processed for technical reasons, you authorize us to process the copy in place of your original check. If the EFT cannot be completed because of insufficient funds, we may try to make the transfer up to two times.

How to Check If the Fees Are Correct.

The form and biometric fees on this form are current as of the edition date appearing in the lower right corner of this page. However, because USCIS fees change periodically, you can verify if the fees are correct by following one of the steps below:

1. Visit our website at **www.uscis.gov**, select "Immigration Forms" and check the appropriate fee;
2. Review the Fee Schedule included in your form package, if you called us to request the form or
3. Telephone our National Customer Service Center at **1-800-375-5283** and ask for the fee information.

NOTE: If your Form I-485 requires payment of a biometric service fee for USCIS to take your fingerprints, photograph or signature, you can use the same procedure to obtain the correct biometric fee.

Address Changes.

If you change your address and you have an application or petition pending with USCIS, you may change your address on-line at www.uscis.gov, click on "Change your address with USCIS" and follow the prompts or by completing and mailing Form AR-11, Alien's Change of Address Card, to:

U.S. Citizenship and Immigration Services
Change of Address
P.O. Box 7134
London, KY 40742-7134

For commercial overnight or fast freight services only, mail to:

U.S. Citizenship and Immigration Services
Change of Address
1084-I South Laurel Road
London, KY 40744

Processing Information.

Any application that is not signed or is not accompanied by the correct application fee will be rejected with a notice that the application is deficient. You may correct the deficiency and resubmit the application. An application is not considered properly filed until accepted by USCIS.

Initial processing.

Once an application has been accepted, it will be checked for completeness, including submission of the required initial evidence. If you do not completely fill out the form or file it without required initial evidence, you will not establish a basis for eligibility and we may deny your application.

Requests for more information or interview.

We may request more information or evidence, or we may request that you appear at a USCIS office for an interview. We may also request that you submit the originals of any copy. We will return these originals when they are no longer required.

Interview.

After you file your application, you may be notified to appear at a USCIS office to answer questions about the application. You will be required to answer these questions under oath or affirmation. You must bring your Arrival-Departure Record (Form I-94) and any passport or official travel document you have to the interview.

Decision.

You will be notified in writing of the decision on your application.

Selective Service Registration.

If you are a male at least 18 years old, but not yet 26 years old, and required according to the Military Selective Service Act to register with the Selective Service System, USCIS will help you register.

When your signed application is filed and accepted by USCIS, we will transmit to the Selective Service System your name, current address, Social Security number, date of birth and the date you filed the application. This action will enable the Selective Service System to record your registration as of the filing date of your application.

If USCIS does not accept your application and, if still so required, you are responsible to register with the Selective Service System by using other means, provided you are under 26 years of age. If you have already registered, the Selective Service System will check its records to avoid any duplication.

(NOTE: Men 18 through 25 years old who are applying for student financial aid, government employment or job training benefits should register directly with the Selective Service System or such benefits may be denied. Men can register at a local post office or on the internet at http://www.sss.gov).

Travel outside the United States for adjustment of status applicants under sections 209 and 245 of the Act, and Registry applicants under section 249 of the Act.

Your departure from the United States (including brief visits to Canada or Mexico) constitutes an abandonment of your adjustment of status application, unless you are granted permission to depart and you are inspected upon your return to the United States. Such permission to travel is called "advance parole." To request advance parole, you must file Form I-131, Application for Travel Document, with the appropriate fee at the USCIS office where you applied for adjustment of status.

1. Exceptions.

A. H, L, V or K3/K4 nonimmigrants:

If you are an H, L,V, or K3/K4 nonimmigrant who continues to maintain his or her status, you may travel on a valid H, L, V or K3/K4 visa without obtaining advance parole.

B. Refugees and Asylees:

If you are applying for adjustment of status one year after you were admitted as a refugee or one year after you were granted asylum, you may travel outside the United States on your valid refugee travel document, if you have one, without the need to obtain advance parole.

2. Warning:

Travel outside of the United States may trigger the three and ten year bar to admission under section 212(a)(9)(B)(i) of the Act for adjustment applicants, but not registry applicants. This ground of inadmissibility is triggered if you were unlawfully present in the United States (i.e., you remained in the United States beyond the period of authorized stay) for more than 180 days before you applied for adjustment of status and you travel outside of the United States while your adjustment of status application is pending.

NOTE: Only unlawful presence that was accrued on or after April 1, 1997, counts towards the three and ten year bar under section 212(a)(9)(B)(i) of the Act.)

If you become inadmissible under section 212(a)(9)(B)(i) of the Act while your adjustment of status application is pending, you will need a waiver of inadmissibility under section 212(a)(9)(B)(v) of the Act before your adjustment of status application can be approved. This waiver, however, is granted on a case-by-case basis and in the exercise of discretion. It requires a showing of extreme hardship to your United States citizen or lawful permanent resident spouse or parent, unless you are a refugee or asylee. For refugees and asylees, the waiver may be granted for humanitarian reasons, to assure family unity or if it is otherwise in the public interest.

Penalties.

If you knowingly and willfully falsify or conceal a material fact or submit a false document with this Form I-485, we will deny the 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.

Privacy Act Notice.

We ask for the information on this form, and associated evidence, to determine if you have established eligibility for the immigration benefit for which you are filing. Our legal right to ask for this information can be found in the Immigration and Nationality Act, as amended. We may provide this information to other government agencies. Failure to provide this information, and any requested evidence, may delay a final decision or result in denial of your Form I-485.

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 OMB control number. The public reporting burden for this collection of information is estimated at 5 hours and 15 minutes per response, including the time for reviewing instructions, completing and submitting the form. 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, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529. OMB No. 1615-0023. **Do not mail your application to this address.**

OMB No. 1615-0023; Expires 09/30/08

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

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

START HERE - Please type or print in black ink.

Part 1. Information about you.

Family Name	Given Name	Middle Name

Address- C/O

Street Number and Name | Apt. #

City

State | Zip Code

Date of Birth *(mm/dd/yyyy)* | Country of Birth:

Country of Citizenship/Nationality:

U.S. Social Security # | A # *(if any)*

Date of Last Arrival *(mm/dd/yyyy)* | I-94 #

Current USCIS Status | Expires on *(mm/dd/yyyy)*

Part 2. Application type. *(Check one.)*

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

a. ☐ an immigrant petition giving me an immediately available immigrant visa number has been approved. (Attach a copy of the approval notice, or a relative, special immigrant juvenile or special immigrant military visa petition filed with this application that will give you an immediately available visa number, if approved.)

b. ☐ my spouse or parent applied for adjustment of status or was granted lawful permanent residence in an immigrant visa category that allows derivative status for spouses and children.

c. ☐ I entered as a K-1 fiancé(e) of a United States citizen whom I married within 90 days of entry, or I am the K-2 child of such a fiancé(e). (Attach a copy of the fiancé(e) petition approval notice and the marriage certificate).

d. ☐ I was granted asylum or derivative asylum status as the spouse or child of a person granted asylum and am eligible for adjustment.

e. ☐ I am a native or citizen of Cuba admitted or paroled into the United States after January 1, 1959, and thereafter have been physically present in the United States for at least one year.

f. ☐ I am the husband, wife or minor unmarried child of a Cuban described above in **(e)** and I am residing with that person, and was admitted or paroled into the United States after January 1, 1959, and thereafter have been physically present in the United States for at least one year.

g. ☐ I have continuously resided in the United States since before January 1, 1972.

h. ☐ Other basis of eligibility. Explain (for example, I was admitted as a refugee, my status has not been terminated, and I have been physically present in the U.S. for one year after admission). If additional space is needed, use a separate piece of paper.

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

i. ☐ I am a native or citizen of Cuba and meet the description in **(e)** above.

j. ☐ I am the husband, wife or minor unmarried child of a Cuban, and meet the description in **(f)** above.

For USCIS Use Only

Returned	Receipt
Resubmitted	
Reloc Sent	
Reloc Rec'd	
Applicant Interviewed	

Section of Law
- ☐ Sec. 209(b), INA
- ☐ Sec. 13, Act of 9/11/57
- ☐ Sec. 245, INA
- ☐ Sec. 249, INA
- ☐ Sec. 1 Act of 11/2/66
- ☐ Sec. 2 Act of 11/2/66
- ☐ Other

Country Chargeable

Eligibility Under Sec. 245
- ☐ Approved Visa Petition
- ☐ Dependent of Principal Alien
- ☐ Special Immigrant
- ☐ Other

Preference

Action Block

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

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

VOLAG #

ATTY State License #

Part 3. Processing information.

A. City/Town/Village of Birth	Current Occupation
Your Mother's First Name	Your Father's First Name

Give your name exactly as it appears on your Arrival/Departure Record (Form I-94)

Place of Last Entry Into the United States *(City/State)*		In what status did you last enter? *(Visitor, student, exchange alien, crewman, temporary worker, without inspection, etc.)*
Were you inspected by a U.S. Immigration Officer? ☐ Yes ☐ No		
Nonimmigrant Visa Number		Consulate Where Visa Was Issued
Date Visa Was Issued (mm/dd/yyyy)	Gender: ☐ Male ☐ Female	Marital Status: ☐ Married ☐ Single ☐ Divorced ☐ Widowed

Have you ever before applied for permanent resident status in the U.S.? ☐ No ☐ Yes. If you checked "Yes," give date and place of filing and final disposition.

B. List your present husband/wife, all of your sons and daughters (If you have none, write "none." If additional space is needed, use separate paper).

Family Name	Given Name	Middle Initial	Date of Birth *(mm/dd/yyyy)*
Country of Birth	Relationship	A #	Applying with you? ☐ Yes ☐ No
Family Name	Given Name	Middle Initial	Date of Birth *(mm/dd/yyyy)*
Country of Birth	Relationship	A #	Applying with you? ☐ Yes ☐ No
Family Name	Given Name	Middle Initial	Date of Birth *(mm/dd/yyyy)*
Country of Birth	Relationship	A #	Applying with you? ☐ Yes ☐ No
Family Name	Given Name	Middle Initial	Date of Birth *(mm/dd/yyyy)*
Country of Birth	Relationship	A #	Applying with you? ☐ Yes ☐ No
Family Name	Given Name	Middle Initial	Date of Birth *(mm/dd/yyyy)*
Country of Birth	Relationship	A #	Applying with you? ☐ Yes ☐ No

C. List your present and past membership in or affiliation with every organization, association, fund, foundation, party, club, society or similar group in the United States or in other places since your 16th birthday. Include any foreign military service in this part. If none, write "none." Include the name(s) of organization(s), location(s), dates of membership, from and to, and the nature of the organization(s). If additional space is needed, use a separate piece of paper.

Part 3. Processing information. *(Continued)*

Please answer the following questions. (If your answer is **"Yes"** on any one of these questions, explain on a separate piece of paper and refer to "What Are the General Filing Instructions? Initial Evidence" to determine what documentation to include with your application. Answering **"Yes"** does not necessarily mean that you are not entitled to adjust status or register for permanent residence.)

1. Have you ever, in or outside the United States:

a. knowingly committed any crime of moral turpitude or a drug-related offense for which you have not been arrested? ☐ Yes ☐ No

b. been arrested, cited, charged, indicted, fined or imprisoned for breaking or violating any law or ordinance, excluding traffic violations? ☐ Yes ☐ No

c. been the beneficiary of a pardon, amnesty, rehabilitation decree, other act of clemency or similar action? ☐ Yes ☐ No

d. exercised diplomatic immunity to avoid prosecution for a criminal offense in the United States? ☐ Yes ☐ No

2. Have you received public assistance in the United States from any source, including the United States government or any state, county, city or municipality (other than emergency medical treatment), or are you likely to receive public assistance in the future? ☐ Yes ☐ No

3. Have you ever:

a. within the past ten years been a prostitute or procured anyone for prostitution, or intend to engage in such activities in the future? ☐ Yes ☐ No

b. engaged in any unlawful commercialized vice, including, but not limited to, illegal gambling? ☐ Yes ☐ No

c. knowingly encouraged, induced, assisted, abetted or aided any alien to try to enter the United States illegally? ☐ Yes ☐ No

d. illicitly trafficked in any controlled substance, or knowingly assisted, abetted or colluded in the illicit trafficking of any controlled substance? ☐ Yes ☐ No

4. Have you ever engaged in, conspired to engage in, or do you intend to engage in, or have you ever solicited membership or funds for, or have you through any means ever assisted or provided any type of material support to any person or organization that has ever engaged or conspired to engage in sabotage, kidnapping, political assassination, hijacking or any other form of terrorist activity? ☐ Yes ☐ No

5. Do you intend to engage in the United States in:

a. espionage? ☐ Yes ☐ No

b. any activity a purpose of which is opposition to, or the control or overthrow of, the government of the United States, by force, violence or other unlawful means? ☐ Yes ☐ No

c. any activity to violate or evade any law prohibiting the export from the United States of goods, technology or sensitive information? ☐ Yes ☐ No

6. Have you ever been a member of, or in any way affiliated with, the Communist Party or any other totalitarian party? ☐ Yes ☐ No

7. Did you, during the period from March 23, 1933 to May 8, 1945, in association with either the Nazi Government of Germany or any organization or government associated or allied with the Nazi Government of Germany, ever order, incite, assist or otherwise participate in the persecution of any person because of race, religion, national origin or political opinion? ☐ Yes ☐ No

8. Have you ever engaged in genocide, or otherwise ordered, incited, assisted or otherwise participated in the killing of any person because of race, religion, nationality, ethnic origin or political opinion? ☐ Yes ☐ No

9. Have you ever been deported from the United States, or removed from the United States at government expense, excluded within the past year, or are you now in exclusion, deportation, removal or recission proceedings? ☐ Yes ☐ No

10. Are you under a final order of civil penalty for violating section 274C of the Immigration and Nationality Act for use of fraudulent documents or have you, by fraud or willful misrepresentation of a material fact, ever sought to procure, or procured, a visa, other documentation, entry into the United States or any immigration benefit? ☐ Yes ☐ No

11. Have you ever left the United States to avoid being drafted into the U.S. Armed Forces? ☐ Yes ☐ No

12. Have you ever been a J nonimmigrant exchange visitor who was subject to the two-year foreign residence requirement and have not yet complied with that requirement or obtained a waiver? ☐ Yes ☐ No

13. Are you now withholding custody of a U.S. citizen child outside the United States from a person granted custody of the child? ☐ Yes ☐ No

14. Do you plan to practice polygamy in the United States? ☐ Yes ☐ No

Part 4. Signature. *(Read the information on penalties in the instructions before completing this section. You must file this application while in the United States.)*

Your registration with U.S. Citizenship and Immigration Services.

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

Selective Service Registration.

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

Applicant's Certification

I certify, under penalty of perjury under the laws of the United States of America, that this application and the evidence submitted with it is all true and correct. I authorize the release of any information from my records that U.S. Citizenship and Immigration Services (USCIS) needs to determine eligibility for the benefit I am seeking.

Signature	*Print Your Name*	*Date*	*Daytime Phone Number*
			( )

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

Part 5. Signature of person preparing form, if other than above. (sign below)

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

Signature	*Print Your Full Name*	*Date*	**Phone Number** *(Include Area Code)*
			( )

Firm Name and Address	*E-Mail Address (if any)*

OMB No. 1615-0075; Expires 10/31/10

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

I-864, Affidavit of Support Under Section 213A of the Act

Instructions

How Should I Complete This Form?

- Print clearly or type your answers using CAPITAL letters.
- Use black or blue ink.
- If you need extra space to answer any item:
  - -- Attach a separate sheet of paper (or more sheets if necessary);
  - -- Write your name, U.S. Social Security number and the words "Form I-864" on the top right corner of the sheet; and
  - -- Write the number and subject of each question for which you are providing additional information.

What Is the Purpose of This Form?

This form is required for most family-based immigrants and some employment-based immigrants to show that they have adequate means of financial support and that they are not likely to become a public charge. For more information about Form I-864, or to obtain related forms please contact:

- The USCIS website (**www.uscis.gov**);
- The National Customer Service Center (NCSC) telephone line at 1-800-375-5283 TTY: (1-800-767-1833); or
- Your local USCIS office by using Infopass.

How Is This Form Used?

This form is a contract between a sponsor and the U.S. Government. Completing and signing this form makes you the sponsor. You must show on this form that you have enough income and/or assets to maintain the intending immigrant(s) and the rest of your household at 125 percent of the Federal Poverty Guidelines. By signing Form I-864, you are agreeing to use your resources to support the intending immigrant(s) named in this form, if it becomes necessary.

The submission of this form may make the sponsored immigrant ineligible for certain Federal, State, or local means-tested public benefits, because an agency that provides means-tested public benefits will consider *your* resources and assets as available to the sponsored immigrant in determining his or her eligibility for the program.

If the immigrant sponsored in this affidavit does receive one of the designated Federal, State or local means-tested public benefits, the agency providing the benefit may request that you repay the cost of those benefits. That agency can sue you if the cost of the benefits provided is not repaid.

Not all benefits are considered to be means-tested public benefits. See Form I-864P, Poverty Guidelines, for more information on which benefits may be covered by this definition, or the contract on **Page 6** of this form for a list of benefits explicitly not considered means-tested public benefits.

Who Needs This Form?

The following immigrants are required by law to submit Form I-864 completed by the petitioner to obtain an immigrant visa overseas or to adjust status to that of a lawful permanent resident in the United States:

- All immediate relatives of U.S. citizens (spouses, unmarried children under age 21, and parents of U.S. citizens age 21 and older);
- All family-based preference immigrants (unmarried sons and daughters of U.S. citizens, spouses and unmarried sons and daughters of permanent resident aliens, married sons and daughters of U.S. citizens, and brothers and sisters of U.S. citizens age 21 and older); and
- Employment-based preference immigrants in cases only when a U.S. citizen or lawful permanent resident relative filed the immigrant visa petition or such relative has a significant ownership interest (five percent or more) in the entity that filed the petition.

Are There Exceptions to Who Needs This Form?

The following types of intending immigrants do not need to file this form:

- Any intending immigrant who has earned or can be credited with 40 qualifying quarters (credits) of work in the United States. In addition to their own work, intending immigrants may be able to secure credit for work performed by a spouse during marriage and by their parent(s) while the immigrants were under 18 years of age. The Social Security Administration (SSA) can provide information on how to count quarters of work earned or credited and how to provide evidence of such. See the SSA website at www.ssa.gov/mystatement/credits for more information;
- Any intending immigrant who will, upon admission, acquire U.S. citizenship under section 320 of the Immigration and Nationality Act, as amended by the Child Citizenship Act of 2000 (CCA);
- Self-petitioning widow/ers who have an approved Petition for Amerasian, Widow(er), or Special Immigrant, Form I-360; and

- Self-petitioning battered spouses and children who have an approved Petition for Amerasian, Widow(er), or Special Immigrant, Form I-360.

NOTE: *If you qualify for one of the exemptions listed above, submit Form I-864W, Intending Immigrant's I-864 Exemption, instead of Form I-864.*

Who Completes and Signs Form I-864?

A sponsor completes and signs Form I-864. A sponsor is required to be at least 18 years old and domiciled in the United States, or its territories or possessions (see Step-by-step Instructions for more information on domicile). The petitioning sponsor must sign and complete Form I-864, even if a joint sponsor also submits an I-864 to meet the income requirement. The list below identifies who must become sponsors by completing and signing a Form I-864.

- The U.S. citizen or lawful permanent resident who filed a Form I-130 for a family member, Form I-129F for a fiance(e), or Form I-600 or I-600A for an orphan.
- The U.S. citizen or permanent resident alien who filed an employment-based immigrant visa petition (Form I-140) for a spouse, parent, son, daughter, or sibling who: **(1)** has a significant ownership interest (five percent or more) in the business which filed the employment-based immigrant visa petition; or **(2)** is related to the intending immigrant as a spouse, parent, son, daughter, or sibling.

What Are the Income Requirements?

To qualify as a sponsor, you must demonstrate that your income is at least 125 percent of the current Federal poverty guideline for your household size. The Federal poverty line, for purposes of this form, is updated annually and can be found on Form I-864P, Poverty Guidelines.

If you are on active duty in the U.S. Armed Forces, including the Army, Navy, Air Force, Marines or Coast Guard, and you are sponsoring your spouse or minor child, you only need to have an income of 100 percent of the Federal poverty line for your household size. This provision does not apply to joint or substitute sponsors.

How Do I Count Household Size?

Your household size includes yourself and the following individuals, no matter where they live: any spouse, any dependent children under the age of 21, any other dependents listed on your most recent Federal income tax return, all persons being sponsored in this affidavit of support, and any immigrants previously sponsored with a Form I-864 or Form I-864 EZ affidavit of support whom you are still obligated to support. If necessary to meet the income requirements to be a sponsor, you may include additional relatives (adult children, parents, or siblings) as part of your household size as long as they have the same principle residence as you and promise to use their income and resources in support of the intending immigrant(s).

What If I Cannot Meet the Income Requirements?

If your income alone is not sufficient to meet the requirement for your household size, the intending immigrant will be ineligible for an immigrant visa or adjustment of status, unless the requirement can be met using any combination of the following:

- Income from any relatives or dependents living in your household or dependents listed on your most recent Federal tax return who signed a Form I-864A;
- Income from the intending immigrant, if that income will continue from the same source after immigration, and if the intending immigrant is currently living in your residence. If the intending immigrant is your spouse, his or her income can be counted regardless of current residence, but it must continue from the same source after he or she becomes a lawful permanent resident.
- The value of your assets, the assets of any household member who has signed a Form I-864A, or the assets of the intending immigrant;
- A joint sponsor whose income and/or assets equal at least 125 percent of the Poverty Guidelines. See question below for more information on joint sponsors.

How Can My Relatives and Dependents Help Me Meet the Income Requirements?

You may use the income of your spouse and/or any other relatives living in your residence if they are willing to be jointly responsible with you for the intending immigrant(s) you are sponsoring. If you have any unrelated dependents listed on your income tax return you may include their income regardless of where they reside.

The income of such household members and dependents can be used to help you meet the income requirements if they complete and sign Form I-864A, Contract Between Sponsor and Household Member, and if they are at least 18 years of age when they sign the form.

Can the Intending Immigrant Help Me Meet the Income Requirements?

If certain conditions are met, the intending immigrant's income can help you meet the income requirement. If the intending immigrant is your spouse, his or her income can be included if it will continue from the same source after he or she obtains lawful permanent resident status. If the intending immigrant is another relative, there are two requirements.

First, the income must be continuing from the same source after he or she obtains lawful permanent resident status, and second, the intending immigrant must currently live with you in your residence. Evidence must be provided to support both requirements.

However, an intending immigrant whose income is being used to meet the income requirement does not need to complete Form I-864A, Contract Between Sponsor and Household Member, unless the intending immigrant has a spouse and/or children immigrating with him or her. In this instance, the contract relates to support for the spouse and/or children.

Does Receipt of Means-Tested Public Benefits Disqualify me From being a Sponsor?

No. Receipt of means-tested public benefits does not disqualify anyone from being a sponsor. However, means-tested public benefits cannot be accepted as income for the purposes of meeting the income requirement.

How Can I Use Assets to Qualify?

Assets may supplement income if the consular or immigration officer is convinced that the monetary value of the asset could reasonably be made available to support the sponsored immigrant and converted to cash within one year without undue harm to the sponsor or his or her family members. You may not include an automobile unless you show that you own at least one working automobile that you have not included.

What Is a Joint Sponsor?

If the person who is seeking the immigration of one or more of his or her relatives cannot meet the income requirements, a "joint sponsor" who can meet the requirements may submit a Form I-864 to sponsor all or some of the family members.

A joint sponsor can be any U.S. citizen, U.S. national, or lawful permanent resident who is at least 18 years old, domiciled in the United States, or its territories or possessions, and willing to be held jointly liable with the petitioner for the support of the intending immigrant. A joint sponsor does not have to be related to the petitioning sponsor or the intending immigrant.

If the first joint sponsor completes Form I-864 for some rather than all the family members, a second qualifying joint sponsor will be required to sponsor the remaining family members. There may be no more than two joint sponsors. A joint sponsor must be able to meet the income requirements for all the persons he or she is sponsoring without combining resources with the petitioning sponsor or a second joint sponsor. Any dependents applying for an immigrant visa or adjustment of status more than six months after immigration of the intending immigrants must be sponsored by the petitioner but may be sponsored by an original joint sponsor or a different joint sponsor.

Even if one or more I-864s are submitted for an intending immigrant, the petitioning sponsor remains legally accountable for the financial support of the sponsored alien along with the joint sponsor(s).

What Is a Substitute Sponsor?

A substitute sponsor is a sponsor who is completing a Form I-864 on behalf of an intending immigrant whose original I-130 petitioner has died after the Form I-130 was approved, but before the intending immigrant obtained permanent residence.

The substitute sponsor must be related to the intending immigrant in one of the following ways: spouse, parent, mother-in-law, father-in-law, sibling, child (at least 18 years of age), son, daughter, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, grandchild or legal guardian. The substitute sponsor must also be a U.S. citizen or lawful permanent resident.

If you are a substitute sponsor, you must indicate that that you are related to the intending immigrant in one of the ways listed above and include evidence proving that relationship. The beneficiary must also file this form along with a written statement explaining the reasons why the Form I-130 visa petition should be reinstated, having been revoked following the petitioner's death. The beneficiary must also include a copy of the Form I-130 approval notice.

How Long Does My Obligation as a Sponsor Continue?

Your obligation to support the immigrant(s) you are sponsoring in this affidavit of support will continue until the sponsored immigrant becomes a U.S. citizen, or can be credited with 40 qualifying quarters of work in the United States.

Although 40 qualifying quarters of work (credits) generally equate to ten years of work, in certain cases the work of a spouse or parent adds qualifying quarters. The Social Security Administration can provide information on how to count qualifying quarters (credits) of work.

The obligation also ends if you or the sponsored immigrant dies or if the sponsored immigrant ceases to be a lawful permanent resident and departs the United States. Divorce does not end the sponsorship obligation.

Do I Need to Submit a Separate Affidavit for Each Family Member?

You must submit a Form I-864 affidavit of support for each intending immigrant you are sponsoring. You may submit photocopies if you are sponsoring more than one intending immigrant listed on the same affidavit of support.

Separate affidavits of support are required for intending immigrants for whom different Form I-130 family-based petitions were filed. For instance, if you are sponsoring both parents, each will need an original affidavit of support and accompanying documentation since you were required to submit separate Form I-130 visa petitions for each parent.

Often a spouse or minor children obtain visas or adjust status as dependents of a relative, based on the same visa petition. If you are sponsoring such dependents, you only need to provide a photocopy of the original Form I-864, as long as these dependents are immigrating at the same time as the principal immigrant or within six months of the time he or she immigrates to the United States. You do not need to provide copies of the supporting documents for each of the photocopied Forms I-864.

When Do I Complete Form I-864 and Where Do I Send It?

If the intending immigrant will apply for an immigrant visa at a U.S. Embassy or Consulate overseas:

Complete Form I-864 when it is mailed to you from the National Visa Center (NVC). Different instructions apply to some cases so follow the instructions provided by the National Visa Center for your particular case. The instructions on when and where to submit Form I-864 are included in the information packet that is mailed to you with Form I-864. Form I-864 and all accompanying documentation must be submitted to the government within one year of when you sign Form I-864.

If the intending immigrant will adjust status in the United States:

Complete Form I-864 when the intending immigrant is ready to submit his or her Form Application to Register Permanent Residence or Adjust Status. Then give the completed Form I-864 along with any Forms I-864A and all supporting documentation to the intending immigrant to submit with his or her application for adjustment of status. To be valid, Form I-864 and all supporting documentation must be submitted within one year of when you sign Form I-864. For privacy, you may enclose these documents in a sealed envelope marked "Form I-864: To Be Opened Only by a U.S. Government Official." You may be requested to submit updated information if there is a significant delay in processing.

Do I Have to Report My Change of Address If I Move?

Federal law requires that every sponsor report every change of address to the USCIS within 30 days of the change. To do this, send a completed Form I-865, Sponsor's Change of Address, to the Service Center having jurisdiction over your new address.

Do not complete Form I-865 at the same time that you complete the I-864.

You should complete and submit Form I-865 to USCIS only when the address you indicated on the original I-864 Affidavit of Support has changed. Please see Form I-865 for further directions on filing the Sponsor's Change of Address. This requirement does not relieve a sponsor who is a lawful permanent resident from submitting Form AR-11 within ten days of a change of address.

Step-by-Step Instructions

Form I-864 is divided into nine parts. The information below will help you fill out the form.

Part 1. Basis for Filing Affidavit of Support.

- Check **box "a"** if you are the petitioner who is filing or who has already filed Form I-130, Petition for Alien Relative; Form I-600, Petition to Classify Orphan as an Immediate Relative; or Form I-600A, Application for Advance Processing of Orphan Petition. If you are the petitioner, you must sponsor each intending immigrant.
- Check **box "b"** if you are filing or have filed Form I-140, Immigrant Petition for Alien Worker, for your husband, wife, father, mother, child, adult son or daughter, brother, or sister.
- Check **box "c"** if you have an ownership interest of at least five percent in a business, corporation or other entity that filed or is filing a Form I-140 for your husband, wife, father, mother, child, adult son or daughter, brother, or sister.
- Check **box "d"** if you are the only joint sponsor or box "e" if you are either of two joint sponsors. A joint sponsor must be a person, and may not be a corporation, organization, or other entity. A joint sponsor does not have to be related to the intending immigrant. Indicate whether you are the only joint sponsor or one of two joint sponsors. Check with the petitioning sponsor or the intending immigrant if you are not certain.
- Check **box "f"** if you are the substitute sponsor. A substitute sponsor is a sponsor who is completing a Form I-864 on behalf of an intending immigrant whose original Form I-130 petitioner has died after the Form I-130 was approved, but before the intending immigrant obtained permanent residence. The substitute sponsor must be related to the intending immigrant in one of the following ways: spouse, parent, mother-in-law, father-in-law, sibling, child (at least 18 years of age), son, daughter, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, grandchild or legal guardian. The substitute sponsor must also be a U.S. citizen or lawful permanent resident. If you are a substitute sponsor, you must sponsor each intending immigrant.

Part 2. Information on the Principal Immigrant.

The principal immigrant is the intending immigrant who is the primary beneficiary of the visa petition.

6. Alien Registration Number. An "A-number" is an Alien Registration Number assigned by the former Immigration and Naturalization Service (INS) or U.S. Citizenship and Immigration Services (USCIS). If the intending immigrants you are sponsoring have not previously been in the United States or have only been in the United States as tourists, they probably do not have A-numbers. Persons with A-numbers can locate the number on their INS or USCIS-issued documentation.

8. Indicate whether you are sponsoring the principal immigrant listed in **item 2** in this Form I-864. This only applies to cases with two joint sponsors. Check "No" only if you are sponsoring only intended immigrants listed in **9** (a through e) and not the principal immigrant listed in **item 2.**

Part 3. Information on Immigrants You Are Sponsoring.

9. Accompanying Family Members You are Sponsoring
The immigrant you are sponsoring may be bringing a spouse and/or children to the United States. If the spouse and/or children will be traveling with the immigrant, or within six months of the immigrant's entry to the United States and you are sponsoring them, you should list the names and other requested information on the lines provided. If any dependents are not immigrating, will be immigrating more than 6 months after the sponsored alien arrives in the United States, or you are not sponsoring them, do not list their names here. A separate Form I-864 will be required for them when they apply for their immigrant visas.

Part 4. Information on the Sponsor.

15. Country of Domicile. T his question is asking you to indicate the country where you maintain your principal residence and where you plan to reside for the foreseeable future. If your mailing address and/or place of residence is not in the United States, but your country of domicile is the United States, you must attach a written explanation and documentary evidence indicating how you meet the domicile requirement. If you are not currently living in the United States, you may meet the domicile requirement if you can submit evidence to establish that any of the following conditions apply:

A. You are employed by a certain organization.

Some individuals employed overseas are automatically considered to be domiciled in the United States because of the nature of their employment. The qualifying types of employment include employment by:

-- The U.S. government;

-- An American institution of research recognized by the Secretary of Homeland Security (The list of qualifying institutions may be found at 8 CFR 316.20);

-- A U.S. firm or corporation engaged in whole or in part in the development of foreign trade and commerce with the United States, or a subsidiary of such a firm or corporation;

-- A public international organization in which the United States participates by treaty or statute;

-- A religious denomination having a bona fide organization in the United States, if the employment abroad involves the person's performance of priestly or ministerial functions on behalf of the denomination; or

-- A religious denomination or interdenominational missionary organization having a bona fide organization in the United States, if the person is engaged solely as a missionary.

B. You are living abroad temporarily.

If you are not currently living in the United States, you must show that your trip abroad is temporary and that you have maintained your domicile in the United States. You can show this by providing proof of your voting record in the United States, proof of paying U.S. State or local taxes, proof of having property in the United States, proof of maintaining bank or investment accounts in the United States, or proof of having a permanent mailing address in the United States. Other proof could be evidence that you are a student studying abroad or that a foreign government has authorized a temporary stay.

C. You intend in good faith to reestablish your domicile in the United States no later than the date of the intending immigrant's admission or adjustment of status.

You must submit proof that you have taken concrete steps to establish you will be domiciled in the United States at a time no later than the date of the intending immigrant's admission or adjustment of status. Concrete steps might include accepting a job in the United States, signing a lease or purchasing a residence in the United States, or registering children in U.S. schools. Please attach proof of the steps you have taken to establish domicile as described above.

18. U.S. Social Security Number.

Every sponsor's Social Security number is required by law. If you do not currently have a Social Security number you must obtain one before submitting this Form I-864.

19. Citizenship/Residency.

Proof of U.S. citizen, national, or permanent resident status is required for joint and substitute sponsors and for relatives of employment-based immigrants who file this form. Petitioning relatives who have already filed proof of their citizenship or immigration status with Forms I-130, Form I-129F, I-600 and I-600A do not need to submit proof of their status with this form.

Proof of U.S. citizen or national status includes a copy of your birth certificate, certificate of naturalization, certificate of citizenship, consular report of birth abroad to citizen parents, or a copy of the biographic data page of your U.S. passport.

Proof of permanent resident status includes a photocopy of both sides of the "green card," Form I-551, Alien Registration Receipt Card/Permanent Resident Card; or a photocopy of an unexpired temporary I-551 stamp in either a foreign passport or a DHS Form I-94, Arrival/Departure Document.

20. Military Service.

Check "yes" if you are the petitioning sponsor and on active duty in the U.S. Army, Navy, Air Force, Marines,or Coast Guard, other than for training. If you provide evidence that you are currently on active duty in the military and you are petitioning for your spouse or minor child, you will need to demonstrate income at only 100 percent of the poverty level for your household size, instead of at 125 percent of the poverty level. (See Form I-864P for information on the poverty levels.) Check "no" if you are not on active duty in the U.S. military. This provision does not apply to joint and substitute sponsors.

Part 5. Sponsor's Household Size.

This section asks you to add together the number of persons for whom you are financially responsible. Some of these persons may not be residing with you. Make sure you do not count any individual more than once, since in some cases the same person could fit into two categories. For example, your spouse (whom you would enter on **line 21c**) might also be a lawful permanent resident whom you have already sponsored using Form I-864 (**line 21f**). If you included your spouse on line 21c, do not include him or her again on **line 21f**.

21d - Enter the number of unmarried children you have who are under age 21, even if you do not have legal custody of these children. You may exclude any unmarried children under 21, if these children have reached majority under the law of their place of domicile and you do not claim them as dependents on your income tax returns.

21e - Enter the number of any other dependents. You must include each and every person whom you have claimed as a dependent on your most recent Federal income tax return, even if that person is not related to you. Even if you are not *legally obligated* to support that person, you must include the person if in fact you did support that person and claimed the person as a dependent.

21f - Enter the number of lawful permanent residents whom you are currently obligated to support based on your previous submission of Form I-864 as a petitioning, substitute, or joint sponsor, or of Form I-864EZ as a petitioning sponsor. Include only those persons who have already immigrated to the United States. Do not include anyone for whom your obligation to support has ended through the sponsored immigrant's acquisition of U.S. citizenship, death, abandonment of lawful permanent residence in the United States, acquisition of 40 quarters of earned or credited work in the United States, or obtaining a new grant of adjustment of status while in removal proceedings based on a new affidavit of support, if one is required.

21g - This question gives you the option of including certain other non-dependent relatives who are living in your residence as part of your household size. Such relatives may include your mother, father, sister, brother or adult children, if they are living in your residence. However, the only reason to include these family members in your household size is if you need to include their income when you calculate your household income for purposes of meeting the income requirement for this form. To be considered, any relative indicated in this category must sign and submit Form I-864A.

Part 6. Sponsor's Income and Employment.

22. Job Classification.

Check the box **(a through d)** that applies to you.

23. Current Individual Annual Income.

Enter your current individual earned or retirement annual income that you are using to meet the requirements of this form and indicate the total on this line.

You may include evidence supporting your claim about your expected income for the current year if you believe that submitting this evidence will help you establish ability to maintain sufficient income. **You are not required to submit this evidence, however, unless specifically instructed to do so by a Government official.** For example, you may include a recent letter from your employer, showing your employer's address and telephone number, and indicating your annual salary. You may also provide pay stub(s) showing your income for the previous six months. If your claimed income includes alimony, child support, dividend or interest income, or income from any other source, you may also include evidence of that income.

24. Annual Household Income.

This section is used to determine the sponsor's household income. Take your annual individual income from **line 23** and enter it on **line 24a**. If this amount is greater than 125 percent (or 100 percent if you are on active duty in the U.S. military and sponsoring your spouse or child) of the Federal Poverty Guidelines for your household size from **line 21h**, you do not need to include any household member's income. See Form I-864P for reference on the Poverty Guidelines.

To determine the filing requirements for your relatives included in **item 24b**, follow these instructions:

- If you included the income of your **spouse** listed in **21c**, or any **child** listed in **21d**, or any **dependent** listed in **21e**, or any **other relative** listed in **21g**, each one of these individuals must be over 18 years of age and must complete Form I-864A.
- If you included the income of the intending immigrant who is your spouse (he or she would be counted on line **21a**), evidence that his/her income will continue from the current source after obtaining lawful permanent resident status must be provided. He/she does not need to complete Form I-864A unless he/she has accompanying children.
- If you included the income of the intending immigrant who is not your spouse, (he or she would be counted on line **21a**), evidence that his or her income will continue from the current source after obtaining lawful permanent resident status must be provided **and** the intending immigrant must provide evidence that he/she is living in your residence. He or she does not need to complete Form I-864A, Contract Between Sponsor and Household Member, unless he or she has an accompanying spouse or children.

25. Federal Income Tax Information.

You must provide either an IRS transcript or a photocopy from your own records of your Federal individual income tax return for the most recent tax year. If you believe additional returns may help you to establish your ability to maintain sufficient income, you may submit transcripts or photocopies of your Federal individual income tax returns for the three most recent years.

You are not required to have the IRS certify the transcript or photocopy unless specifically instructed to do so by a Government official; a plain transcript or photocopy is acceptable. Telefile tax records are not acceptable proof of filing.

Do not submit copies of your State income tax returns. **Do not** submit any tax returns that you filed with any foreign government unless you claim that you were not required to file a Federal tax return with the United States government and you wish to rely on the foreign return solely to establish the amount of your income that is not subject to tax in the United States.

If you provide a photocopy of your tax return(s), you must include a copy of each and every FormW-2 and Form 1099 that relates to your return(s). Do not include copies of these Forms if you provide an IRS transcript of your return(s) rather than a photocopy.

If you checked box **22(b)** (self-employed), you should have completed one of the following forms with your Federal income tax return: Schedule C (Profit or Loss from Business), Schedule D (Capital Gains), Schedule E (Supplemental Income or Loss) or Schedule F (Profit or Loss from Farming). You must include each and every Form 1040 Schedule, if any, that you filed with your Federal tax return.

If you were required to file a Federal income tax return during any of the previous three tax years but did not do so, you must file any and all late returns with IRS and attach an IRS-generated tax return transcript documenting your late filing before submitting the I-864 Affidavit of Support. If you were not required to file a Federal income tax return under U.S. tax law because your income was too low, attach a written explanation. If you were not required to file a Federal income tax return under U.S. tax law for any other reason, attach a written explanation including evidence of the exemption and how you are subject to it. Residence outside of the United States does not exempt U.S. citizens or lawful permanent residents from filing a U.S. Federal income tax return. See "Filing Requirements" in the IRS Form 1040 Filing Instructions to determine whether you were required to file.

For purposes of this affidavit, the line for gross (total) income on IRS Forms 1040 and 1040A will be considered when determining income. For persons filing IRS Form 1040 EZ, the line for adjusted gross income will be considered.

Obtaining Tax Transcripts. You may use Internal Revenue Service (IRS) Form 4506-T to request tax transcripts from the IRS. Complete IRS Form 4506-T with the ending date for each of your three most recent tax years listed on line 9. Follow all instructions for completing and filing Form 4506-T with the IRS.

Part 7. Use of Assets to Supplement Income.

Only complete this Part if you need to use the value of assets to meet the income requirements. If your Total Household Income (indicated on **Line 24c**) is equal to or more than needed to meet the income requirement as shown by the current Poverty Guidelines (Form I-864P) for your household size (indicated on **Line 21h**), you do not need to complete this Part. If your total household income does not meet the requirement, you may submit evidence of the value of your assets, the sponsored immigrant's assets, and/or assets of a household member that can be used, if necessary, for the support of the intending immigrant(s). The value of assets of all of these persons may be combined in order to meet the necessary requirement.

Only assets that can be converted into cash within one year and without considerable hardship or financial loss to the owner may be included. The owner of the asset must include a description of the asset, proof of ownership, and the basis for the owner's claim of its net cash value.

You may include the net value of your home as an asset. The net value of the home is the appraised value of the home, minus the sum of any and all loans secured by a mortgage, trust deed, or other lien on the home. If you wish to include the net value of your home, this, you must include documentation demonstrating that you own it, a recent appraisal by a licensed appraiser, and evidence of the amount of any and all loans secured by a mortgage, trust deed, or other lien on the home. You may not include the net value an automobile unless you show that you have more than one automobile, and at least one automobile is not included as an asset.

26. Assets.

To use your own assets, you must complete lines **26a** through **26d** and submit corresponding evidence with this form. Supporting evidence must be attached to establish location, ownership, date of acquisition, and value of any real estate holding.

27. Household Member's Assets.

To use the assets of a relative (spouse, adult son or daughter, parent or sibling), the relative must reside with you and have completed a Form I-864A, Contract Between Sponsor and Household Member, with accompanying evidence of assets. The Form I-864A and accompanying evidence of assets is submitted with Form I-864. You may use the assets of more than one relative who resides with you so long as you submit a complete Form I-864A with evidence of assets for each such relative.

28. Assets of the Intending Immigrant.

You may use the assets of the intending immigrant regardless of where he or she resides. The intending immigrant must provide evidence of such assets with this form. Form I-864A is not required to document the intending immigrant's assets.

29. Total Value of Assets.

In order to qualify based on the value of your assets, the total value of your assets must equal at least five times the difference between your total household income and the current poverty guidelines for your household size. However, if you are a U.S. citizen and you are sponsoring your spouse or minor child, the total value of your assets must only be equal to at least three times the difference. If the intending immigrant is an alien orphan who will be adopted in the United States after the alien orphan acquires permanent residence, and who will, as a result, acquire citizenship under section 320 of the Act, the total value of your assets need only equal the difference.

Example of How to Use Assets: If you are petitioning for a parent and the poverty line for your household size is $22,062 and your current income is $18,062, the difference between your current income and the poverty line is $4,000. In order for assets to help you qualify, the combination of your assets, plus the assets of any household member who is signing Form I-864A, plus any available assets of the sponsored immigant, would have to equal five times this difference (5 x $4,000). In this case, you would meet the income requirements if the net value of the assets equaled at least $20,000.

Part 8. Sponsor's Contact.

Read the contract carefully, print your name, and then sign and date the form. **If you do not print your name on line 30 and sign and date the form on line 31, the intending immigrant you are sponsoring cannot be issued a visa or be granted adjustment of status.**

Other Information.

Penalties.

The Government may pursue verification of any information provided on or in support of this form, including employment, income, or assets with the employer, financial or other institutions, the Internal Revenue Service, or the Social Security Administration. If you include in this affidavit of support any information that you know to be false, you may be liable for criminal prosecution under the laws of the United States.

If you fail to give notice of your change of address, as required by 8 U.S.C. 1183a(d) and 8 CFR 213a.3, you may be liable for the civil penalty established by 8 U.S.C. 1183a(d)(2). The amount of the civil penalty will depend on whether you failed to give this notice because you were aware that the immigrant(s) you sponsored had received Federal, State, or local means-tested public benefits.

If the failure to report your change of address occurs with knowledge that the sponsored immigrant received means-tested public benefits (other than benefits described in section 401(b), 403(c)(2), or 4ll(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, which are summarized in the contract in Part 8) such failure may result in a fine of not less than $2,000 or more than $5,000. Otherwise, the failure to report your change of address may result in a fine not less than $250 or more than $2,000.

Privacy Act Notice.

Authority for the collection of the information requested on this form is contained in 8 U.S.C. 1182a(4), 1183a, 1184(a), and 1258. The information will be used principally by an immigration judge, USCIS or a Consular Officer to support an alien's application for benefits under the Immigration and Nationality Act and specifically the assertion that he or she has adequate means of financial support and will not become a public charge. Submission of the information is voluntary. Failure to provide the information will result in denial of the application for an immigrant visa or adjustment of status.

The information may also, as a matter of routine use, be disclosed to other Federal, State and local agencies providing means-tested public benefits for use in civil action against the sponsor for breach of contract. Social Security numbers may be verified with the Social Security Administration consistant with the consent signed as part of the contract in **Part 8** of the Form I-864. It may also be disclosed as a matter of routine use to other Federal, State, local, and foreign law enforcement and regulatory agencies to enable these entities to carry out their law enforcement responsibilities.

USCIS Forms and Information.

To order USCIS forms, call our toll-free forms line at **1-800-870-3676.** You can also obtain forms and information on immigration laws, regulations and procedures by telephoning our National Customer Service Center at **1-800-375-5283** or visiting our internet website at **www.uscis.gov**.

Use InfoPass for Appointments.

As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our internet-based system, **InfoPass**. To access the system, visit our website at **www.uscis.gov**. Use the **InfoPass** appointment scheduler and follow the screen prompts to set up your appointment. **InfoPass** generates an electronic appointment notice that appears on the screen. Print the notice and take it with you to your appointment. The notice gives the time and date of your appointment, along with the address of the USCIS office.

Reporting Burden.

A person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

We try to create forms and instructions that are accurate, can be easily understood, and which impose the least burden on you to provide us with information. Often this is difficult because some immigration laws are very complex.

The estimated average time to complete and file this form is as follows: (1) 75 minutes to learn about the law and form; (2) 90 minutes to complete the form; and (3) 3 hour and 15 minutes to assemble and file the form; for a total estimated average of 6 hours per form.

If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, write to U.S. Citizenship and Immigration Services, Regulatory Management Division, Attn: OMB No. 1615-0075, 111 Massachusetts Avenue N.W., Washington, D.C. 20529. **Do not mail your completed affidavit of support to this address.**

Check List

The following items must be submitted with Form I-864:

For ALL sponsors:

___ A copy of your individual **Federal income tax return, including W-2s** for the most recent tax year, or a statement and/or evidence describing why you were not required to file. Also include a copy of each and every Form 1099, Schedule, and any other evidence of reported income. You may submit this information for the most recent three tax years , pay stub(s) from the most recent six months, and/or a letter from your employer if you believe any of these items will help you qualify.

For SOME sponsors:

___ **If you are currently self-employed,** a copy of your Schedule C, D, E or F from your most recent Federal Tax Return which establishes your income from your business.

___ If you are sponsoring more than one intending immigrant listed on the same affidavit of support, **photocopies of the original affidavit of support** may be submitted for any additional intending immigrants listed. Copies of supporting documentation are not required for these family members.

___ If you are the petitioning sponsor and on active duty in the U.S. Armed Forces and are sponsoring your spouse or child using 100 percent of governing poverty guideline, **proof of your active military status.**

___ If you are using the income of persons in your household or dependents to qualify,

- ___ A separate **Form I-864A** for each person whose income you will use. However, an intending immigrant whose income is being used needs to complete Form I-864A only if his or her spouse and/or children are immigrating with him or her.
- ___ Proof of their **residency in your household and relationship** to you if they are not the intending immigrants or are not listed as dependents on your Federal income tax return for the most recent tax year.
- ___ Proof that the intending immigrant's current employment **will continue from the same source** if his or her income is being used.
- ___ A copy of their individual **Federal income tax return, including W-2s and 1099s,** for the most recent tax year, or evidence that they were not required to file. You may submit this information for the most recent three years if you believe it will help you qualify.

___ If you use your assets or the assets of a household member to qualify,

- ___ Documentation of assets establishing location, ownership, date of acquisition and value. Evidence of any liens or liabilities against these assets.
- ___ A separate **Form I-864A** for each household member using assets other than for the intending immigrant.

___ If you are a joint sponsor, substitute sponsor, or the relative of an employment-based immigrant requiring an affidavit of support, **proof of your citizenship status, U.S. national status or lawful permanent resident status.**

- ___ For U.S. citizens or nationals, a copy of your birth certificate, passport, or certificate of naturalization or citizenship.
- ___ For lawful permanent residents, a copy of both sides of your Form I-551, Permanent Resident Card.

OMB No. 1615-0075; Expires 10/31/10

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

I-864, Affidavit of Support Under Section 213A of the Act

Part 1. Basis for filing Affidavit of Support.

1. I, _____ ,

am the sponsor submitting this affidavit of support because (Check only one box):

a. ☐ **I am the petitioner. I filed or am filing for the immigration of my relative.**

b. ☐ **I filed an alien worker petition on behalf of the intending immigrant, who is related to me as my** _____

c. ☐ **I have an ownership interest of at least 5 percent in** _____ **, which filed an alien worker petition on behalf of the intending immigrant, who is related to me as my** _____

d. ☐ **I am the only joint sponsor.**

e. ☐ **I am the** ☐ **first** ☐ **second of two joint sponsors.** *(Check appropriate box.)*

f. ☐ **The original petitioner is deceased. I am the substitute sponsor. I am the intending immigrant's** _____ .

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This I-864 is from:

☐ the Petitioner

☐ a Joint Sponsor # _____

☐ the Substitute Sponsor

☐ 5% Owner

This I-864:

☐ does not meet the requirements of section 213A.

☐ meets the requirements of section 213A.

_____ Reviewer

_____ Location

_____ Date *(mm/dd/yyyy)*

Number of Affidavits of Support in file:

☐ 1 ☐ 2

Part 2. Information on the principal immigrant.

2. Last Name

First Name | Middle Name

3. Mailing Address Street Number and Name *(Include Apartment Number)*

City | State/Province | Zip/Postal Code | Country

4. Country of Citizenship | **5.** Date of Birth *(mm/dd/yyyy)*

6. Alien Registration Number *(if any)* **A-** | **7.** U.S. Social Security Number *(if any)*

Part 3. Information on the immigrant(s) you are sponsoring.

8. ☐ I am sponsoring the principal immigrant named in Part 2 above.

☐ Yes ☐ No (Applicable only in cases with two joint sponsors)

9. ☐ I am sponsoring the following family members immigrating at the same time or within six months of the principal immigrant named in **Part 2** above. Do not include any relative listed on a separate visa petition.

	Name	Relationship to Sponsored Immigrant	Date of Birth *(mm/dd/yyyy)*	A-Number *(if any)*	U.S.Social Security Number *(if any)*
a.					
b.					
c.					
d.					
e.					

10. Enter the total number of immigrants you are sponsoring on this form from **Part 3**, Items **8** and **9**. ☐☐

Part 4. Information on the Sponsor.

			For Government Use Only
11. Name	Last Name		
	First Name	Middle Name	
12. Mailing Address	Street Number and Name *(Include Apartment Number)*		
	City	State or Province	
	Country	Zip/Postal Code	
13. Place of Residence *(if different from mailing address)*	Street Number and Name *(Include Apartment Number)*		
	City	State or Province	
	Country	Zip/Postal Code	

14. Telephone Number ***(Include Area Code or Country and City Codes)***

15. Country of Domicile

16. Date of Birth *(mm/dd/yyyy)*

17. Place of Birth *(City)*	State or Province	Country

18. U.S. Social Security Number *(Required)*

19. Citizenship/Residency

☐ I am a U.S. citizen.

☐ I am a U.S. national (for joint sponsors only).

☐ I am a lawful permanent resident. My alien registration number is A- _____

If you checked box (b), (c), (d), (e) or (f) in line 1 on Page 1, you must include proof of your citizen, national, or permanent resident status.

20. Military Service (To be completed by petitioner sponsors only.)

I am currently on active duty in the U.S. armed services. ☐ Yes ☐ No

Part 5. Sponsor's household size.

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21. Your Household Size - DO NOT COUNT ANYONE TWICE

Persons you are sponsoring in this affidavit:

a. Enter the number you entered on line 10. ☐☐

Persons NOT sponsored in this affidavit:

b. Yourself. 1

c. If you are currently married, enter "1" for your spouse. ☐

d. If you have dependent children, enter the number here. ☐☐

e. If you have any other dependents, enter the number here. ☐☐

f. If you have sponsored any other persons on an I-864 or I-864 EZ who are now lawful permanent residents, enter the number here. ☐☐

g. **OPTIONAL**: If you have siblings, parents, or adult children with the same principal residence who are combining their income with yours by submitting Form I-864A, enter the number here. ☐☐

h. Add together lines and enter the number here. **Household Size:** ☐☐

Part 6. Sponsor's income and employment.

22. I am currently:

a. ☐ Employed as a/an _____.

Name of Employer #1 *(if applicable)* _____.

Name of Employer #2 *(if applicable)* _____.

b. ☐ Self-employed as a/an _____.

c. ☐ Retired from _____ since _____.
(Company Name) *(Date)*

d. ☐ Unemployed since _____.
(Date)

23. My current individual annual income is: $ _____
(See Step-by-Step Instructions)

24. My current annual household income:

a. List your income from line 23 of this form. $ _____

b. Income you are using from any other person who was counted in your household size, including, in certain conditions, the intending immigrant. (See step-by-step instructions.) Please indicate name, relationship and income.

Name	Relationship	Current Income
_____	_____	$ _____
_____	_____	$ _____
_____	_____	$ _____
_____	_____	$ _____

c. Total Household Income: $ _____

(Total all lines from 24a and 24b. Will be Compared to Poverty Guidelines -- See Form I-864P.)

d. ☐ The persons listed above have completed Form I-864A. I am filing along with this form all necessary Forms I-864A completed by these persons.

e. ☐ The person listed above, _____ *(Name)* does not need to complete Form I-864A because he/she is the intending immigrant and has no accompanying dependents.

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Household Size =

_____

Poverty line for year _____ **is:**

$ _____

25. Federal income tax return information.

☐ I have filed a Federal tax return for each of the three most recent tax years. I have attached the required photocopy or transcript of my Federal tax return for only the most recent tax year.

My total income (adjusted gross income on IRS Form 1040EZ) as reported on my Federal tax returns for the most recent three years was:

Tax Year		Total Income
_____	*(most recent)*	$ _____
_____	*(2nd most recent)*	$ _____
_____	*(3rd most recent)*	$ _____

☐ *(Optional)* I have attached photocopies or transcripts of my Federal tax returns for my second and third most recent tax years.

Part 7. Use of assets to supplement income. *(Optional)*

If your income, or the total income for you and your household, from line 24c exceeds the Federal Poverty Guidelines for your household size, YOU ARE NOT REQUIRED to complete this Part. Skip to Part 8.

26. Your assets *(Optional)*

a. Enter the balance of all savings and checking accounts. $ _____

b. Enter the net cash value of real-estate holdings. (Net means current assessed value minus mortgage debt.) $ _____

c. Enter the net cash value of all stocks, bonds, certificates of deposit, and any other assets not already included in lines 26 (a) or (b). $ _____

d. Add together lines 26 a, b and c and enter the number here. **TOTAL:** $ _____

27. Your household member's assets from Form I-864A. *(Optional)*

Assets from Form I-864A, line 12d for

_____ $ _____

(Name of Relative)

28. Assets of the principal sponsored immigrant. *(Optional)*

The principal sponsored immigrant is the person listed in line 2.

a. Enter the balance of the sponsored immigrant's savings and checking accounts. $ _____

b. Enter the net cash value of all the sponsored immigrant's real estate holdings. (Net means investment value minus mortgage debt.) $ _____

c. Enter the current cash value of the sponsored immigrant's stocks, bonds, certificates of deposit, and other assets not included on line a or b. $ _____

d. Add together lines 28a, b, and c, and enter the number here. $ _____

29. Total value of assets.

Add together lines 26d, 27 and 28d and enter the number here. **TOTAL:** $ _____

For Government Use Only

Household Size =

_____

Poverty line for year

_____ **is:**

$ _____

The total value of all assests, line 29, must equal 5 times (3 times for spouses and children of USCs, or 1 time for orphans to be formally adopted in the U.S.) the difference between the poverty guidelines and the sponsor's household income, line 24c.

Part 8. Sponsor's Contract.

Please note that, by signing this Form I-864, you agree to assume certain specific obligations under the Immigration and Nationality Act and other Federal laws. The following paragraphs describe those obligations. Please read the following information carefully before you sign the Form I-864. If you do not understand the obligations, you may wish to consult an attorney or accredited representative.

What is the Legal Effect of My Signing a Form I-864?

If you sign a Form I-864 on behalf of any person (called the "intending immigrant") who is applying for an immigrant visa or for adjustment of status to a permanent resident, and that intending immigrant submits the Form I-864 to the U.S. Government with his or her application for an immigrant visa or adjustment of status, under section 213A of the Immigration and Nationality Act these actions create a contract between you and the U. S. Government. The intending immigrant's becoming a permanent resident is the "consideration" for the contract.

Under this contract, you agree that, in deciding whether the intending immigrant can establish that he or she is not inadmissible to the United States as an alien likely to become a public charge, the U.S. Government can consider your income and assets to be available for the support of the intending immigrant.

What If I choose Not to Sign a Form I-864?

You cannot be made to sign a Form 1-864 if you do not want to do so. But if you do not sign the Form I-864, the intending immigrant may not be able to become a permanent resident in the United States.

What Does Signing the Form I-864 Require Me to do?

If an intending immigrant becomes a permanent resident in the United States based on a Form I-864 that you have signed, then, until your obligations under the Form I-864 terminate, you must:

-- Provide the intending immigrant any support necessary to maintain him or her at an income that is at least 125 percent of the Federal Poverty Guidelines for his or her household size (100 percent if you are the petitioning sponsor and are on active duty in the U.S. Armed Forces and the person is your husband, wife, unmarried child under 21 years old.)

-- Notify USCIS of any change in your address, within 30 days of the change, by filing Form I-865.

What Other Consequences Are There?

If an intending immigrant becomes a permanent resident in the United States based on a Form I-864 that you have signed, then until your obligations under the Form I-864 terminate, your income and assets may be considered ("deemed") to be available to that person, in determining whether he or she is eligible for certain Federal means-tested public benefits and also for State or local means-tested public benefits, if the State or local government's rules provide for consideration ("deeming") of your income and assets as available to the person.

This provision does **not** apply to public benefits specified in section 403(c) of the Welfare Reform Act such as, but not limited to, emergency Medicaid, short-term, non-cash emergency relief; services provided under the National School Lunch and Child Nutrition Acts; immunizations and testing and treatment for communicable diseases; and means-tested programs under the Elementary and Secondary Education Act.

Contract continued on following page.

What If I Do Not Fulfill My Obligations?

If you do not provide sufficient support to the person who becomes a permanent resident based on the Form I-864 that you signed, that person may sue you for this support.

If a Federal, State or local agency, or a private agency provides any covered means-tested public benefit to the person who becomes a permanent resident based on the Form I-864 that you signed, the agency may ask you to reimburse them for the amount of the benefits they provided. If you do not make the reimbursement, the agency may sue you for the amount that the agency believes you owe.

If you are sued, and the court enters a judgment against you, the person or agency that sued you may use any legally permitted procedures for enforcing or collecting the judgment. You may also be required to pay the costs of collection, including attorney fees.

If you do not file a properly completed Form I-865 within 30 days of any change of address, USCIS may impose a civil fine for your failing to do so.

When Will These Obligations End?

Your obligations under a Form I-864 will end if the person who becomes a permanent resident based on a Form I-864 that you signed:

- Becomes a U.S. citizen;
- Has worked, or can be credited with, 40 quarters of coverage under the Social Security Act;
- No longer has lawful permanent resident status, and has departed the United States;
- Becomes subject to removal, but applies for and obtains in removal proceedings a new grant of adjustment of status, based on a new affidavit of support, if one is required; or
- Dies.

Note that divorce **does not** terminate your obligations under this Form I-864.

Your obligations under a Form I-864 also end if you die. Therefore, if you die, your Estate will not be required to take responsibility for the person's support after your death. Your Estate may, however, be responsible for any support that you owed before you died.

30. I, _____ ,
(Print Sponsor's Name)

certify under penalty of perjury under the laws of the United States that:

a. I know the contents of this affidavit of support that I signed.

b. All the factual statements in this affidavit of support are true and correct.

c. I have read and I understand each of the obligations described in Part 8, and I agree, freely and without any mental reservation or purpose of evasion, to accept each of those obligations in order to make it possible for the immigrants indicated in Part 3 to become permanent residents of the United States;

d. I agree to submit to the personal jurisdiction of any Federal or State court that has subject matter jurisdiction of a lawsuit against me to enforce my obligations under this Form I-864;

e. Each of the Federal income tax returns submitted in support of this affidavit are true copies, or are unaltered tax transcripts, of the tax returns I filed with the U.S. Internal Revenue Service; and

Sign on following page.

f. I authorize the Social Security Administration to release information about me in its records to the Department of State and U.S. Citizenship and Immigration Services.

g. Any and all other evidence submitted is true and correct.

31. _____ _____

(Sponsor's Signature) *(Date-- mm/dd/yyyy)*

Part 9. Information on Preparer, if prepared by someone other than the sponsor.

I certify under penalty of perjury under the laws of the United States that I prepared this affidavit of support at the sponsor's request and that this affidavit of support is based on all information of which I have knowledge.

Signature: _____ **Date:** _____ *(mm/dd/yyyy)*

Printed Name: _____

Firm Name: _____

Address: _____

Telephone Number: _____

E-Mail Address : _____

Business State ID # *(if any)* _____

OMB No. 1615-0040; Expires 08/31/08

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

Instructions for I-765, Application for Employment Authorization

Instructions

Please read these instructions carefully to properly complete this form. If you need more space to complete an answer, use a separate sheet(s) of paper. Write your name and Alien Registration Number (A #), if any, at the top of each sheet of paper and indicate the part and number of the item to which the answer refers.

The filing addresses provided on this form reflect the most current information as of the date this form was last printed. If you are filing Form I-765 more than 30 days after the latest edition date shown in the lower right-hand corner, please visit our website at www.uscis.gov **before you file**, and check the Forms and Fees page to confirm the correct filing address and version currently in use. Check the edition date located in the lower right-hand corner of the form. If the edition date on your Form I-765 matches the edition date listed for Form I-765 on the online Forms and Fees page, your version is current and will be accepted by USCIS. If the edition date on the online version is later, download a copy and use the online version. If you do not have Internet access, call the National Customer Service Center at 1-800-375-5283 to verify the current filing address and edition date. **Improperly filed forms will be rejected and the fee returned, with instructions to resubmit the entire filing using the current form instructions.**

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What Is the Purpose of This Form?

Certain aliens who are temporarily in the United States may file a Form I-765, Application for Employment Authorization, to request an Employment Authorization Document (EAD). Other aliens who are authorized to work in the United States without restrictions should also use this form to apply to USCIS for a document evidencing such authorization. Please review **Eligibility Categories** to determine whether you should use this form.

If you are a Lawful Permanent Resident, a Conditional Resident, or a nonimmigrant authorized to be employed with a specific employer under 8 CFR 274a.12(b), please do **not** use this form.

Definitions

Employment Authorization Document (EAD): Form I-688, Form I-688A, Form I-688B, Form I-766, or any successor document issued by USCIS as evidence that the holder is authorized to work in the United States.

Renewal EAD: An EAD issued to an eligible applicant at or after the expiration of a previous EAD issued under the same category.

Replacement EAD: An EAD issued to an eligible applicant when the previously issued EAD has been lost, stolen, mutilated, or contains erroneous information, such as a misspelled name.

Interim EAD: An EAD issued to an eligible applicant when USCIS has failed to adjudicate an application within 90 days of receipt of a properly filed EAD application or within 30 days of a properly filed initial EAD application based on an asylum application filed on or after January 4, 1995. The interim EAD will be granted for a period not to exceed 240 days and is subject to the conditions noted on the document.

Who May File This Form I-765?

USCIS adjudicates a request for employment authorization by determining whether an applicant has submitted the required information and documentation, and whether the applicant is eligible. In order to determine your eligibility, you must identify the category in which you are eligible and fill in that category in **Question 16** on the Form I-765. Enter only **one** of the following category numbers on the application form. For example, if you are a refugee applying for an EAD, you should write **"(a)(3)"** at **Question 16**.

For easier reference, the categories are subdivided as follows:

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Eligible Dependents of Employees of Diplomatic Missions, International Organization, or NATO 3
Employment-Based Nonimmigrants 3
Family-Based Nonimmigrants 4
Adjustment-of-Status Categories 4
Other Categories 5

1. Asylee/Refugee Categories

A. Refugee--(a)(3). File your EAD application with either a copy of your Form I-590, Registration for Classification as Refugee, approval letter or a copy of a Form I-730, Refugee/Asylee Relative Petition, approval notice.

B. Paroled as a Refugee--(a)(4). File your EAD application with a copy of your Form I-94, Arrival and Departure Record.

C. Asylee (Granted Asylum)--(a)(5). File your EAD application with a copy of the USCIS letter, or judge's decision, granting you asylum. It is not necessary to apply for an EAD as an asylee until 90 days before the expiration of your current EAD.

D. Asylum Applicant (With a Pending Asylum Application)Who Filed for Asylum on or After January 4, 1995--(c)(8). (For specific instructions for applicants with pending asylum claims, see Page 5).

2. Nationality Categories

A. Citizen of Micronesia, the Marshall Islands or Palau--(a)(8). File your EAD application if you were admitted to the United States as a citizen of the Federated States of Micronesia (CFA/FSM), the Marshall Islands (CFA/MIS), or Palau, pursuant to agreements between the United States and the former trust territories.

B. Deferred Enforced Departure (DED) / Extended Voluntary Departure--(a)(11). File your EAD application with evidence of your identity and nationality.

C. Temporary Protected Status (TPS)--(a)(12). File your EAD application with Form I-821, Application for Temporary Protected Status. If you are filing for an initial EAD based on your TPS status, include evidence of identity and nationality as required by the Form I-821 instructions.

D. Temporary Treatment Benefits--(c)(19). For an EAD based on 8 CFR 244.5. Include evidence of nationality and identity as required by the Form I-821 instructions.

1. Extension of TPS status: Include a copy (front and back) of your last available TPS document: EAD, Form I-94 or approval notice.
2. Registration for TPS only without employment authorization: File Form I-765, Form I-821, and a letter indicating that this form is for registration purposes only. No fee is required for the Form I-765 filed as part of TPS registration. (Form I-821 has separate fee requirements.)

E. NACARA Section 203 Applicants Who Are Eligible to Apply for NACARA Relief With USCIS--(c)(10). See the instructions to Form I-881, Application for Suspension of Deportation or Special Rule Cancellation of Removal, to determine if you are eligible to apply for NACARA 203 relief with USCIS.

If you are eligible, follow the instructions below and submit your Form I-765 at the same time you file your Form I-881 application with USCIS:

1. If you are filing a Form I-881 with USCIS, file your EAD application at the same time and at the same filing location. Your response to Question 16 on the Form I-765 should be "(c)(10)."
2. If you have already filed your I-881 application at the Service Center specified on Form I-881, and now wish to apply for employment authorization, your response to **Question 16** on Form I-765 should be **"(c)(10)."** You should file your EAD application at the Service Center designated in "Where to File" of these instructions.
3. If you are a NACARA Section 203 applicant who previously filed a Form I-881 with USCIS, and the application is still pending, you may renew your EAD. Your response to **Question 16** on Form I-765 should be **"(c)(10)."** Submit the required fee and the EAD application to the Service Center designated in "Where to File" of these instructions.

F. Dependent of TECRO E-1 Nonimmigrant--(c). File your EAD application with the required certification from the American Institute in Taiwan if you are the spouse or unmarried dependent son or daughter of an E-1 employee of the Taipei Economic and Cultural Representative Office.

3. Foreign Students

A. F-1 Student Seeking Optional Practical Training in an Occupation Directly Related to Studies: (c)(3)(A) - Pre-completion Optional Practical Training; (c)(3)(B) - Post-completion Optional Practical Training; (c)(3)(C) - 17-month extension for STEM Students (Students with a degree in Science, Technology, Engineering, or Mathematics) File your EAD application with a Certificate of Eligibility of Nonimmigrant (F-1) Student Status (Form I-20 A-B /I-20 ID) endorsed by a Designated School Official within the past 30 days. If you are a STEM student requesting a 17-month extension under the eligibility code (c)(3)(C), you must also submit a copy of your degree, the employer name as listed in E-Verify, along with the E-Verify Company Identification Number, or a valid E-Verify Client Company Identification Number, for the employer with whom you are seeking the 17-month OPT extension. This information must be provided in Item #17 of the application form.

B. F-1 Student Offered Off-Campus Employment Under the Sponsorship of a Qualifying International Organization--(c)(3)(ii). File your EAD application with the international organization's letter of certification that the proposed employment is within the scope of its sponsorship, and a Certificate of Eligibility of Nonimmigrant (F-1) Student Status -- For Academic and Language Students (Form I-20 A-B/ -20 ID) endorsed by the Designated School Official within the past 30 days.

C. F-1 Student Seeking Off-Campus Employment Due to Severe Economic Hardship--(c)(3)(iii). File your EAD application with Form I-20 A-B/I-20 ID, Certificate of Eligibility of Nonimmigrant (F-1) Student Status -- For Academic and Language Students, and any evidence you wish to submit, such as affidavits, that detail the unforeseen economic circumstances that cause your request, and evidence you have tried to find off-campus employment with an employer who has filed a labor and wage attestation.

D. J-2 Spouse or Minor Child of an Exchange Visitor--(c)(5). File your EAD application with a copy of your J-1's (principal alien's) Certificate of Eligibility for Exchange Visitor (J-1) Status (Form IAP-66). You must submit a written statement, with any supporting evidence showing, that your employment is not necessary to support the J-1 but is for other purposes.

E. M-1 Student Seeking Practical Training After Completing Studies--(c)(6). File your EAD application with a completed Form I-539, Application to Change/Extend Nonimmigrant Status. Form I-20 M-N, Certificate of Eligibility for Nonimmigrant (M-1) Student Status -- For Vocational Students endorsed by the Designated School Official within the past 30 days.

4. Eligible Dependents of Employees of Diplomatic Missions, International Organizations, or NATO

A. Dependent of A-1 or A-2 Foreign Government Officials--(c)(1). Submit your EAD application with Form I-566, Inter-Agency Record of Individual Requesting Change/Adjustment to, or from, A or G Status; or Requesting A, G, or NATO Dependent Employment Authorization, through your diplomatic mission to the Department of State (DOS). The DOS will forward all favorably endorsed applications directly to the Nebraska Service Center for adjudication.

B. Dependent of G-1, G-3 or G-4 Nonimmigrant--(c)(4). Submit your EAD application with a Form I-566, Inter-Agency Record of Individual Requesting Change/Adjustment to or from A or G Status; or Requesting A, G, or NATO Dependent Employment Authorization, through your international organization to the Department of State (DOS). [In New York City, the United Nations (UN) and UN missions should submit such applications to the United States Mission to the UN (USUN).] The DOS or USUN will forward all favorably endorsed applications directly to the Nebraska Service Center for adjudication.

C. Dependent of NATO-1 Through NATO-6--(c)(7). Submit your EAD application with Form I-566, Inter-Agency Record of Individual Requesting Change/ Adjustment to, or from, A or G Status; or Requesting A, G or NATO Dependent Employment Authorization, to NATO SACLANT, 7857 Blandy Road, C-027, Suite 100, Norfolk, VA 23551-2490. NATO/SACLANT will forward all favorably endorsed applications directly to the Nebraska Service Center for adjudication.

5. Employment-Based Nonimmigrant Categories

A. B-1 Nonimmigrant Who is the Personal or Domestic Servant of a Nonimmigrant Employer--(c)(17)(i). File the EAD application with:

1. Evidence from your employer that he or she is a B, E, F, H, I, J, L, M, O, P, R, or TN nonimmigrant and you were employed for at least one year by the employer before the employer entered the United States or your employer regularly employs personal and domestic servants and has done so for a period of years before coming to the United States; and

2. Evidence that you have either worked for this employer as a personal or domestic servant for at least one year, or evidence that you have at least one year's experience as a personal or domestic servant; and

3. Evidence establishing that you have a residence abroad which you have no intention of abandoning.

B. B-1 Nonimmigrant Domestic Servant of a U.S. Citizen--(c)(17)ii). File your EAD application with:

1. Evidence from your employer that he or she is a U.S. citizen; and

2. Evidence that your employer has a permanent home abroad or is stationed outside the United States and is temporarily visiting the United States or the citizen's current assignment in the United States will not be longer than four years; and

3. Evidence that he or she has employed you as a domestic servant abroad for at least six months prior to your admission to the United States.

C. B-1 Nonimmigrant Employed by a Foreign Airline--(c)(17)(iii). File your EAD application with a letter from the airline fully describing your duties and indicating that your position would entitle you to E nonimmigrant status except for the fact that you are not a national of the same country as the airline or because there is no treaty of commerce and navigation in effect between the United States and that country.

D. Spouse of an E-1/E-2 Treaty Trader or Investor--(a)(17). File your EAD application with evidence of your lawful status and evidence you are a **spouse** of a principal E-1/E-2, such as your Form I-94. (Other relatives or dependents of E-1/E-2 aliens who are in E status are not eligible for employment authorization and may not file under this category.)

E. Spouse of an L-1 Intracompany Transferee--(a)(18). File your EAD application with evidence of your lawful status and evidence you are a **spouse** of a principal L-1, such as your I-94. (Other relatives or dependents of L-1 aliens who are in L status are not eligible for employment authorization and may not file under this category.)

6. Family-Based Nonimmigrant Categories

A. K-1 Nonimmigrant Fiance(e) of U.S. Citizen or K-2 Dependent--(a)(6). File your EAD application if you are filing within 90 days from the date of entry. This EAD cannot be renewed. Any EAD application other than for a replacement must be based on your pending application for adjustment under (c)(9).

B. K-3 Nonimmigrant Spouse of U.S. Citizen or K-4 Dependent--(a)(9). File your EAD application along with evidence of your admission such as copies of your Form I-94, passport, and K visa.

C. Family Unity Program--(a)(13). If you are filing for initial or extension Family Unity benefits complete and submit Form I-817, Application for Voluntary Departure Under the Family Unity Program. An Employment Authorization Document (EAD) will be issued if your I-817 is approved, no I-765 application is necessary.

If your non-expired Family Unity EAD is lost or stolen, file an I-765 application with proper fee(s), along with a copy of your approval notice for Family Unity benefits, to request a replacement.

D. LIFE Family Unity--(a)(14). If you are applying for initial employment authorization under Family Unity provisions of section 1504 of the LIFE Act Amendments, or an extension of such authorization, you should not be using this form. Please obtain and complete a Form I-817, Application for Family Unity Benefits. If you are applying for a replacement EAD that was issued under LIFE Act Amendments Family Unity provisions, file your EAD application with the required evidence listed in the "Required Document" section of these instructions.

E. V-1, V-2 or V-3 Nonimmigrant--(a)(15). If you have been inspected and admitted to the United States with a valid V visa, file this application along with evidence of your admission, such as copies of your Form I-94, passport, and K visa. If you have been granted V status while in the United States, file this application along with evidence of your V status, such as an approval notice. If you are in the United States but you have not yet filed an application for V status, you may file this application at the same time as you file your application for V status. USCIS will adjudicate this application after adjudicating your application for V status.

7. **EAD Applicants Who Have Filed for Adjustment of Status**

   A. **Adjustment Applicant--(c)(9).** File your EAD application with a copy of the receipt notice or other evidence that your Form I-485, Application for Permanent Residence or Adjust Status, is pending. You may file Form I-765 together with your Form I-485.

   B. **Adjustment Applicant Based on Continuous Residence Since January 1, 1972--(c)(16).** File your EAD application with your Form I-485, Application for Permanent Residence; a copy of your receipt notice; or other evidence that the Form I-485 is pending.

   C. **Renewal EAD for National Interest Waiver Physicians:** If you are filing for a renewal EAD based on your pending adjustment status and an approved National Interest Waiver Physician petition, you must also include evidence of your meaningful progress toward completing the national interest waiver obligation. Such evidence includes documentation of employment in any period during the previous 12 months (e.g. copies of W-2 forms). If you did not work as a national interest waiver physician during any period of the previous 12 months, you must explain and provide a statement of future intent to work in the national interest waiver employment.

8. **Other Categories**

   A. **N-8 or N-9 Nonimmigrant--(a)(7).** File your EAD application with the required evidence listed in the "Required Document" section of these instructions.

   B. **Granted Withholding of Deportation or Removal (a)(10).** File your EAD application with a copy of the Immigration Judge's order. It is not necessary to apply for a new EAD until 90 days before the expiration of your current EAD.

   C. **Applicant for Suspension of Deportation--(c)(10).** File your EAD application with evidence that your Form I-881, Application for Suspension of Deportation, or EOIR-40, is pending.

   D. **Paroled in the Public Interest--(c)(11).** File your EAD application if you were paroled into the United States for emergent reasons or reasons strictly in the public interest.

   E. **Deferred Action--(c)(14).** File your EAD application with a copy of the order, notice or document placing you in deferred action and evidence establishing economic necessity for an EAD.

   F. **Final Order of Deportation--(c)(18).** File your EAD application with a copy of the order of supervision and a request for employment authorization which may be based on, but not limited to the following:

      1. Existence of a dependent spouse and/or children in the United States who rely on you for support; and
      2. Existence of economic necessity to be employed;
      3. Anticipated length of time before you can be removed from the United States.

   G. **LIFE Legalization Applicant--(c)(24).** We encourage you to file your EAD application together with your Form I-485, Application to Register Permanent Residence or Adjust Status, to facilitate processing. However, you may file Form I-765 at a later date with evidence that you were a CSS, LULAC, or Zambrano class member applicant before October 1, 2000, and with a copy of the receipt notice or other evidence that your Form I-485 is pending.

   H. **T-1 Nonimmigrant--(a)(16).** If you are applying for initial employment authorization as a T-1 nonimmigrant, file this form only if you did not request an employment authorization document when you applied for T nonimmigrant status. If you have been granted T status and this is a request for a renewal or replacement of an employment authorization document, file this application along with evidence of your T status, such as an approval notice.

   I. **T-2, T-3, or T-4 Nonimmigrant--(c)(25).** File this form with a copy of your T-1's (principal alien's) approval notice and proof of your relationship to the T-1 principal.

Required Documentation

All applications must be filed with the documents required below, in addition to the particular evidence required for the category listed in "Who May File This Form I-765" with fee, if required.

If you are required to show economic necessity for your category, submit a list of your assets, income, and expenses.

Please assemble the documents in the following order:

1. Your application with the filing fee. See **"What Is the Filing Fee"** for details.

2. If you are mailing your application to USCIS, you must also submit:

   A. A copy of Form I-94 Departure Record (front and back), if available. If you are filing an I-765 under the (c) (9) category, an I-94 record need not submitted.

   B. A copy of your last EAD (front and back). If no prior EAD has been issued, you must submit a copy of a Federal Government issued identity document, such as a passport showing your picture, name, and date of birth; a birth certificate with photo ID; a visa issued by a foreign consulate; or a national ID document with photo and/or fingerprint. The identity document photocopy must clearly show the facial features of the applicant and the biographical information.

   C. You **must** submit two identical color photographs of yourself taken within 30 days of the filing of this application. The photos must have a white to off-white background, be printed on thin paper with a glossy finish, and be unmounted and unretouched.

   The passport-style photos must be 2" by 2". The photos must be in color with full face, frontal view on a white to off-white background. Head height should measure 1" to 1 3/8" from top to bottom of chin, and eye height is between 1 1/8" to 1 3/8" from bottom of photo. Your head must be bare unless you are wearing a headdress as required by a religious order of which you are a member. Using pencil or felt pen, lightly print your name and Alien Receipt Number on the back of the photo.

Special Filing Instructions for Those With Pending AsylumApplications ((c)(8))

Asylum Applicant (with a pending asylum application) who filed for asylum on or after January 4, 1995. *You must wait at least 150 days following the filing of your asylum claim before you are eligible to apply for an EAD. If you file your EAD application early, it will be denied. File your EAD application with:*

1. A copy of the USCIS acknowledgement mailer which was mailed to you; or

2. Other evidence that your Form I-589 was filed with USCIS; or

3. Evidence that your Form I-589 was filed with an Immigration Judge at the Executive Office for Immigration Review (EOIR); or

4. Evidence that your asylum application remains under administrative or judicial review.

Asylum applicant (with a pending asylum application) who filed for asylum and for withholding of deportation prior to January 4, 1995, and is *NOT* in exclusion or deportation proceedings.

You may file your EAD application at any time; however, it will only be granted if USCIS finds that your asylum application is not frivolous. File your EAD application with:

1. A complete copy of your previously filed Form I-589; AND

2. A copy of your USCIS receipt notice; or

3. A copy of the USCIS acknowledgement mailer; or

4. Evidence that your Form I-589 was filed with EOIR; or

5. Evidence that your asylum application remains under administrative or judicial review; or

6. A copy of the USCIS acknowledgement mailer.

Asylum applicant (with a pending asylum application) who filed an initial request for asylum prior to January 4, 1995, and *IS IN* exclusion or deportation proceedings. If you filed your Request for Asylum and Withholding of Deportation (Form I-589) prior to January 4, 1995, and you ARE IN exclusion or deportation proceedings, file your EAD application with:

1. A date-stamped copy of your previously filed Form I-589; or

2. A copy of Form I-221, Order to Show Cause and Notice of Hearing, or Form I-122, Notice to Applicant for Admission Detained for Hearing Before Immigration Judge; or
3. A copy of EOIR-26, Notice of Appeal, date stamped by the Office of the Immigration Judge; or
4. A date-stamped copy of a petition for judicial review or for *habeas corpus* issued to the asylum applicant; or
5. Other evidence that you filed an asylum application with EOIR.

Asylum application under the ABC Settlement Agreement--(c)(8). If you are a Salvadoran or Guatemalan national eligible for benefits under the ABC settlement agreement, American Baptist Churches v. Thornburgh , 760 F. Supp. 976 (N.D. Cal. 1991), please follow the instructions contained in this section when filing your Form I-765.

You must have asylum application (Form I-589) on file either with USCIS or with an Immigration Judge in order to receive work authorization. Therefore, please submit evidence that you have previously filed an asylum application when you submit your EAD application. You are not required to submit this evidence when you apply, but it will help USCIS process your request efficiently.

If you are renewing or replacing your EAD, you must pay the filing fee.

Mark your application as follows:

1. Write "ABC" in the top right corner of your EAD application. You must identify yourself as an ABC class member if you are applying for an EAD under the ABC settlement agreement.
2. Write "(c)(8)" in **Section 16** of the application.

You are entitled to an EAD without regard to the merits of your asylum claim. Your application for an EAD will be decided within 60 days if: (1) you pay the filing fee, (2) you have a complete pending asylum application on file, and (3) write "ABC" in the top right corner of your EAD application. If you do not pay the filing fee for an initial EAD request, your request may be denied if USCIS finds that your asylum application is frivolous. However, if you cannot pay the filing fee for an EAD, you may qualify for a fee waiver under 8 CFR 103.7(c).

What is the Filing Fee?

The filing fee for Form I-765 is $340

Exceptions:

Initial EAD: If this is your initial application and you are applying under one of the following categories, a filing fee is **not** required:

1. (a)(3) Refugee;
2. (a)(4) Paroled as Refugee;
3. (a)(5) Asylee;
4. (a)(7) N-8 or N-9 nonimmigrant;
5. (a)(8) Citizen of Micronesia, Marshall Islands or Palau;
6. (a)(10) Granted Withholding of Deportation;
7. (a)(11) Deferred Enforced Departure;
8. (a)(16) Victim of Severe Form of Trafficking (T-1);
9. (c)(1), (c)(4), or (c)(7) Dependent of certain foreign government, international organization, or NATO personnel; or
10. (c)(8) Applicant for asylum [an applicant filing under the special ABC procedures must pay the fee].

Renewal EAD: If this is a renewal application and you are applying under one of the following categories, a filing fee is **not** required:

1. (a)(8) Citizen of Micronesia, Marshall Islands, or Palau;
2. (a)(10) Granted Withholding of Deportation;
3. (a)(11) Deferred Enforced Departure; or
4. (c)(l), (c)(4), or (c)(7) Dependent of certain foreign government, international organization, or NATO personnel;
5. (c)(9) or (c)(16) adjustment applicant who filed for adjustment under the fee structure implemented July 30, 2007.

Replacement EAD: If this is your replacement application and you are applying under one of the following categories, a filing fee is **not** required:

1. (c)(l), (c)(4), or (c)(7) Dependent of certain foreign government, international organization, or NATO personnel.

NOTE: If you are requesting a replacement EAD under the (c)(9) or (c)(16) Applicant for Adjustment of Status filed under the fee structure implemented July 30, 2007, then the full filing fee will be required; however, no biometrics fee is required.

Incorrect Card: No fee is required if you are filing only because the card issued to you was incorrect due to a USCIS administrative error. However, if the error was not caused by USCIS, both application and biometrics fees are required.

You may be eligible for a fee waiver under 8 CFR 103.7(c).

USCIS will use the Poverty Guidelines published annually by the Department of Health and Human Services as the basic criteria in determining the applicant's eligibility when economic necessity is identified as a factor.

The Poverty Guidelines will be used as a guide, but not as a conclusive standard, in adjudicating fee waiver requests for employment authorization applications requiring a fee.

Use the following guidelines when you prepare your check or money order for the Form I-765 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 check or money order payable to **U.S. Department of Homeland Security**, unless:

   A. If you live in Guam and are filing your petition there, make it payable to **Treasurer, Guam**.

   B. If you live in the U.S. Virgin Islands and are filing your petition there, make it payable to **Commissioner of Finance of the Virgin Islands**.

NOTE: If you filed a Form I-485, Application to Register Permanent Residence or Adjust Status, as of July 30, 2007, no fee is required to also file a request for employment authorization on Form I-765. You may file the I-765 concurrently with your I-485, or you may submit the I-765 at a later date. If you file Form I-765 separately, you must also submit a copy of your Form I-797C, Notice of Action, receipt as evidence of the filing of an I-485 as of July 30, 2007.

NOTE: Please 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, it will be converted 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 will be shown on your regular account statement.

You will not receive your original check back. We will destroy your original check, but we will keep a copy of it. If the EFT cannot be processed for technical reasons, you authorize us to process the copy in place of your original check. If the EFT cannot be completed because of insufficient funds, we may try to make the transfer up to two times.

How to Check If the Fees Are Correct

The form fee on this form is current as of the edition date appearing in the lower right corner of this page. However, because USCIS fees change periodically, you can verify if the fees are correct by following one of the steps below:

1. Visit our website at **www.uscis.gov**, select "Immigration Forms," and check the appropriate fee;

2. Review the Fee Schedule included in your form package, if you called us to request the form; or

3. Telephone our National Customer Service Center at **1-800-375-5283** and ask for the fee information.

Where to File?

E-Filing Form I-765: Certain Form I-765 filings may be electronically filed (e-filed) with USCIS. Please view our website at www.uscis.gov for a list of who is eligible to e-file this form and instructions.

If your response to **Question 16** is **(a)(3)**, admitted as a refugee, **(a)(4)**, paroled as a refugee, **(a)(5)**, asylum granted, **(a)(7)**, **N-8** or **N-9** nonimmigrant, or **(a)(8)**, admitted as citizen of the Federated States of Micronesia or of the Marshall Islands mail your application to:

USCIS
Nebraska Service Center
P.O. Box 87765
Lincoln, NE 68501-7765

For private courier (non-USPS) deliveries:

USCIS
Nebraska Service Center
850 S. Street
Lincoln, NE 68508-1225

If your response to **Question 16** is:

1. **(a)(10)**, an alien granted withholding of deportation or removal;

2. **(c)(11)**, an alien paroled into the United States temporarily for emergency reasons, or reasons deemed strictly in the public interest;

3. **(c)(14)**, an alien who has been granted deferred action, (exception: if the grant of deferred action was based on an approved Form I-360 petition filed for a battered or abused spouse or child, file your Form I-765 with the Vermont Service Center at the address below);

4. **(c)(16)**, an alien who has filed an application for creation of record of lawful admission for permanent residence; or

5. **(c)(18)**, an alien against whom a final order of deportation or removal exists and who is released on an order of supervision, mail your application to the following address:

USCIS
P.O. Box 805887
Chicago, IL 60680-4120

If your response to **Question 16** is **(c)(14)**, an alien who has been granted deferred action based on an approved Form I-360 petition filed for a battered or abused spouse or child, **(a)(16)**, victim of trafficking, or **(c)(25)**, immediate family member of a T-1 victim of severe form of trafficking in persons, send your application to (this address may be used for both U.S. Postal Service and private courier deliveries):

USCIS
Vermont Service Center
Attn: I-765
75 Lower Welden St.
St. Albans, VT 05479-0001

If your response to **Question 16** is **(a)(14)**, an alien granted family unity benefits under Section 1504 of the LIFE Act, or **(c)(24)**, an alien who has filed for adjustment under section 1104 of the LIFE Act, mail your application to:

USCIS
P.O. Box 7219
Chicago, IL 60680-7219

If your response to **Question 16** is **(a)(15)**, any alien in V nonimmigrant status, mail your application to:

USCIS
P.O. Box 7216
Chicago, IL 60680-7216

If your response to **Question 16** is **(a)(12)**, alien granted Temporary Protected Status, or **(c)(19)**, alien who has a pending application for TPS, mail your application according to the instructions in the Federal Register notice for your particular country's TPS designation.

If you need to replace a valid lost, stolen, or mutilated Temporary Protected Status EAD, send your application to (this address may be used for both U.S. Postal Service and private courier deliveries):

USCIS
Vermont Service Center
Attn: TPS
75 Lower Welden St.
St. Albans, VT 05479-0001

If your response to **Question 16** is **(c)(1)**, alien spouse or unmarried dependent child, son or daughter of a foreign government official, or **(c)(4)**, eligible dependent of a G-1, G-3 or G-4 non-immigrant, or **(c)(7)**, dependent of a NATO 1 through NATO 7, submit your application through your principal's sponsoring organization. Your application will be reviewed and forwarded by DOS, USUN, or NATO/ SACLANT to the Nebraska Service Center following certification of your eligibility for an EAD.

If your response to **Question 16** is **(c)(8)** under the special ABC filing instructions, and you are filing your Form I-589 Application for Asylum and this application together, mail your applications to the office where you will file your asylum application. Otherwise, for all other (c)(8) filings, see additional instructions below.

If your response to **Question 16** is **(c)(9)** and you filed your I-485 application with the USCIS Chicago Lockbox Facility, file your Form I-765 with the following address (if you filed your Form I-485 with a USCIS Service Center, see instructions below):

USCIS Lockbox Addresses:

For U. S. Postal Service (USPS) deliveries:

USCIS
P.O. Box 805887
Chicago, IL 60680-4120

For private courier (non-USPS) deliveries:

USCIS
Attn: FBASI
427 S. LaSalle, 3rd Floor
Chicago, IL 60605-1029

Otherwise, if you filed your I-485 adjustment application with a USCIS Service Center, you must file Form I-765 at the Nebraska Service Center or the Texas Service Center, depending on where you live (see the following addresses).

Nebraska Service Center Filings

File Form I-765 alone or concurrently with Form I-485 with the Nebraska Service Center if you live in:

Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin, or Wyoming.

If you are filing Form I-765 alone, mail your Form I-765 package to:

USCIS
Nebraska Service Center
P.O. Box 87765
Lincoln, NE 68501-7765

If you are filing Form I-765 concurrently with Form I-485, mail to:

USCIS
Nebraska Service Center
P.O. Box 87485
Lincoln, NE 68501-7485

For private courier (non-USPS) deliveries:

USCIS
Nebraska Service Center
850 S. Street
Lincoln, NE 68508-1225

Texas Service Center Filings

File Form I-765 with the Texas Service Center if you live in:

Alabama, Arkansas, Connecticut, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, South Carolina, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, Tennessee, Texas, Vermont, Virginia, U.S. Virgin Islands, West Virginia or Washington, DC.

If you are filing Form I-765 concurrently with Form I-485, mail your Form I-765 to the address you will use to file Form I-485.

If you are filing Form I-765 alone, mail your Form I-765 package to:

USCIS
Texas Service Center
P.O. Box 851041
Mesquite, TX 75185-1041

For private courier (non-USPS) deliveries:

USCIS
Texas Service Center
4141 North St. Augustine Road
Dallas, TX 75227

If your response to **Question 16** is:

1. **(a)(6)**, alien admitted as a nonimmigrant fiancé(e) pursuant to section 101(a)(15) (K)(i);
2. **(a)(11)**, alien granted extended voluntary departure by the Secretary as a member of a nationality group pursuant to a request by the Secretary of State;
3. **(a)(13)**, alien granted voluntary departure under the Family Unity Program;
4. **(a)(17)**, spouse of a treaty trader, investor;
5. **(a)(18)**, spouse of an intracompany transferee;
6. **(c)(2)**, alien spouse or unmarried dependent son or daughter of an employee of the Coordination Council for North American Affairs;
7. **(c)(3)(A), (c)(3)(B), or (c)(3)(C)**. F-1 student seeking optional practical training;
8. **(c)(3)(ii)**, F-1 student offered employment under the sponsorship of an international organization;
9. **(c)(3)(iii)**, F-1 student seeking employment because of severe economic hardship;
10. **(c)(5)**, spouse or minor child of an exchange visitor (J-2);
11. **(c)(6)**, M-1 student seeking employment for practical training;
12. **(c)(8)**, an alien who has filed an application for asylum or withholding of deportation or removal;
13. **(c)(17)(i)**, a visitor for business (B-1) who is the personal or domestic servant who is accompanying or following to join an employer;
14. **(c)(17)(ii)**, a domestic servant of a U.S. citizen accompanying or following to join his or her U.S. citizen employer who has a permanent home or is stationed in a foreign country; or
15. **(c)(17)(iii)**, an employee of a foreign airline engaged in international transportation of passengers freight:

    mail your application to the appropriate Service Center depending on where you live (see chart on the following page).

If you live in:		Mail your application to:
Connecticut D.C. Maryland New Hampshire New York Puerto Rico Vermont West Virginia	Delaware Maine Massachusetts New Jersey Pennsylvania Rhode Island Virginia U.S.V.I.	For both U.S. Postal Service and private courier deliveries: **USCIS** Vermont Service Center ATTN: I-765 75 Lower Welden Street St. Albans, VT 05479-0001
Arizona Guam Nevada	California Hawaii	U.S. Postal Service deliveries: **USCIS** California Service Center P.O. Box 10765 Laguna Niguel, CA 92607-1076 For private courier (non-USPS) deliveries: **USCIS** California Service Center 24000 Avila Road 2nd Floor, Room 2312 Laguna Niguel, CA 92677
Alabama Florida Kentucky Mississippi North Carolina South Carolina Texas	Arkansas Georgia Louisiana New Mexico Oklahoma Tennessee	U.S. Postal Service deliveries: **USCIS Service Center** Texas Service Center P.O. Box 851041 Mesquite, TX 75185-1041 For private courier (non-USPS) deliveries: **USCIS** Texas Service Center 4141 N St. Augustine Rd Dallas, TX 75227
Alaska Idaho Indiana Kansas Minnesota Montana North Dakota Oregon Utah Wisconsin	Colorado Illinois Iowa Michigan Missouri Nebraska Ohio South Dakota Washington Wyoming	US Postal Service deliveries: **USCIS Service Center** Nebraska Service Center P.O. Box 87765 Lincoln, NE 68501-7765 For private courier (non-USPS) deliveries: **USCIS** Nebraska Service Center 850 S. Street Lincoln, NE 68508-1225

If your response to **Question 16** is:

1. **(a)(9)**, admitted as a K-3 spouse or K-4 dependant; or
2. **(c)(10)**, and you are a NACARA 203 applicant eligible to apply for relief with USCIS, or if your I-881 application is still pending with USCIS and you wish to renew your EAD:

Mail your EAD application with the required fee to the appropriate USCIS service center below:

If you live in Alabama, Arkansas, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Tennessee, Texas, Utah, the U.S. Virgin Islands, Vermont, Virginia, West Virginia, or Wyoming, send your application to (this address may be used for both U.S. Postal Service and private courier deliveries):

USCIS
Vermont Service Center
Attn: I-765
75 Lower Welden St.
St. Albans, VT 05479-0001

If you live in Alaska, Arizona, California, the Commonwealth of Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Oregon, Ohio, South Dakota, Washington, or Wisconsin, mail your application to:

c

USCIS
California Service Center
P.O. Box 10765
Laguna Niguel, CA 92607-1076

For private courier (non-USPS) deliveries:

USCIS
California Service Center
24000 Avila Road
2nd Floor, Room 2312
Laguna Niguel, CA 92677

NOTE: You should submit the fee for the EAD application on a separate check or money order. Do not combine your check or money order with the fee for Form I-881.

If your response to **Question 16** is **(c)(10)** and you are not eligible to apply for NACARA 203 relief with USCIS, but you are eligible for other deportation or removal relief, mail your application to the following address:

USCIS
P.O. Box 805887
Chicago, IL 60680-4120

Questions Regarding Form I-765

For additional information about Form I-765, including how to file your application or filing locations not mentioned, call the USCIS National Customer Service Center at **1-800-375-5283** or visit our website at **www.uscis.gov.**

Processing Information

Any Form I-765 that is not signed or accompanied by the correct fee will be rejected with a notice that the Form I-765 is deficient. You may correct the deficiency and resubmit the Form I-765. An application or petition is not considered properly filed until accepted by USCIS.

Initial processing. Once a Form I-765 has been accepted, it will be checked for completeness, including submission of the required initial evidence. If you do not completely fill out the form, or file it without required initial evidence, you will not establish a basis for eligibility, and we may deny your Form I-765.

Requests for more information or interview. We may request more information or evidence, or we may request that you appear at a USCIS office for an interview. We may also request that you submit the originals of any copy. We will return these originals when they are no longer required.

Interim EAD. If you have not received a decision within 90 days of receipt by USCIS of a properly filed EAD application or within 30 days of a properly filed initial EAD application based on an asylum application filed on or after January 4, 1995, you may obtain interim work authorization by appearing in person at your local USCIS district office. You must bring proof of identity and any notices that you have received from USCIS in connection with your application for employment authorization.

Approval. If approved, your EAD will either be mailed to you or you may be required to appear at your local USCIS office to pick it up.

Denial. If your application cannot be granted, you will receive a written notice explaining the basis of your denial.

Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with this Form I-765, we will deny the Form I-765 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 Forms and Information

To order USCIS forms, call our toll-free number at **1-800-870-3676**. You can also get USCIS forms and information on immigration laws, regulations, and procedures by telephoning our National Customer Service Center at **1-800-375-5283** or visiting our Internet website at **www.uscis.gov**.

As an altenative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our Internet-based system, **InfoPass**. To access the system, visit our website. Use the **InfoPass** appointment scheduler and follow the screen prompts to set up your appointment. **InfoPass** generates an electronic appointment notice that appears on the screen.

Paperwork Reduction Act

Authority for Collecting This Information. The authority to require you to file Form I-765, Application for Employment Authorization, when applying for employment authorization is found at sections 103(a) and 274A(h)(3) of the Immigration and Nationality Act. Information you provide on your Form I-765 is used to determine whether you are eligible for employment authorization and for the preparation of your Employment Authorization Document if you are found eligible. Failure to provide all information as requested may result in the denial or rejection of this application. The information you provide may also be disclosed to other Federal, State, local, and foreign law enforcement and regulatory agencies during the course of the USCIS investigations.
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 OMB control number. The public reporting burden for this collection of information is estimated at 3 hours and 25 minutes per response, including the time for reviewing instructions and completing and submitting the form. 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, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529. OMB No. 1615-0040. **Do not mail your application to this address.**

OMB No. 1615-0040; Expires 08/31/08

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

I-765, Application For Employment Authorization

Do not write in this block.

Remarks	Action Block	Fee Stamp
A#		
Applicant is filing under §274a.12 _____		

☐ Application Approved. Employment Authorized / Extended *(Circle One)* until _____ (Date).
_____ (Date).
Subject to the following conditions: _____
Application Denied.
☐ Failed to establish eligibility under 8 CFR 274a.12 (a) or (c).
☐ Failed to establish economic necessity as required in 8 CFR 274a.12(c)(14), (18) and 8 CFR 214.2(f)

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

1. Name (Family Name in CAPS) (First) (Middle)

2. Other Names Used (Include Maiden Name)

3. Address in the United States (Number and Street) (Apt. Number)

(Town or City) (State/Country) (ZIP Code)

4. Country of Citizenship/Nationality

5. Place of Birth (Town or City) (State/Province) (Country)

6. Date of Birth (mm/dd/yyyy)

7. Gender ☐ Male ☐ Female

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

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

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

11. Have you ever before applied for employment authorization from USCIS?
☐ Yes (If yes, complete below) ☐ No

Which USCIS Office? Date(s)

Results (Granted or Denied - attach all documentation)

12. Date of Last Entry into the U.S. (mm/dd/yyyy)

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

14. Manner of Last Entry (Visitor, Student, etc.)

15. Current Immigration Status (Visitor, Student, etc.)

16. Go to **Part 2** of the Instructions, Eligibility Categories. In the space below, place the letter and number of the category you selected from the instructions (For example, (a)(8), (c)(17)(iii), etc.).

Eligibility under 8 CFR 274a.12 ( ) ( ) ( )

17. If you entered the Eligibility Category, (c)(3)(C), in item 16 above, list your degree, your employer's name as listed in E-Verfy, and your employer's E-Verify Company Identification Number or a valid E-Verify Client Company Identification Number in the space below.

Degree: _____

Employer's Name as listed in E-Verify: _____

Employer's E-Verify Company Identification Number or a valid E-Verify Client Company Identification Number _____

Certification

Your Certification: I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Furthermore, I authorize the release of any information that U.S. Citizenship and Immigration Services needs to determine eligibility for the benefit I am seeking. I have read the Instructions in **Part 2** and have identified the appropriate eligibility category in **Block 16.**

Signature Telephone Number Date

Signature of person preparing form, if other than above: I declare that this document was prepared by me at the request of the applicant and is based on all information of which I have any knowledge.

Print Name Address *Signature* Date

Remarks	Initial Receipt	Resubmitted	Relocated		Completed		
			Rec'd	Sent	Approved	Denied	Returned

OMB No. 1615-0013; Expires 02/28/09

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

Instructions for Form I-131, Application for Travel Document

Instructions

Please read these instructions carefully to properly complete this form. If you need more space to complete an answer, use a separate sheet(s) of paper. Write your name and Alien Registration Number (A #), if any, at the top of each sheet of paper and indicate the part and number of the item to which the answer refers.

Updated Filing Address Information

The filing addresses provided on this form reflect the most current information as of the date this form was last printed. If you are filing Form I-131 more than 30 days after the latest edition date shown in the lower right-hand corner, please visit our website at **www.uscis.gov** before you file, and check the Forms and Fees page to confirm the correct filing address and version currently in use. Check the edition date located in the lower right-hand corner of the form. If the edition date on your Form I-131 matches the edition date listed for Form I-131 on the online Forms and Fees page, your version is current and will be accepted by USCIS. If the edition date on the online version is later, download a copy and use the online version. If you do not have Internet access, call the National Customer Service Center at **1-800-375-5283** to verify the current filing address and edition date. **Improperly filed forms will be rejected and the fee returned with instructions to resubmit the entire filing using the current form instructions.**

What Is the Purpose of This Form?

This form may only be used to apply to U.S. Citizenship and Immigration Services (USCIS) for the following travel documents, and must not be used to request release from immigration custody:

1. **Re-entry Permit** - A reentry permit allows a permanent resident or conditional resident to apply for admission to the United States upon returning from abroad during the permit's validity, without having to obtain a returning resident visa from a U.S. Embassy or consulate.

2. **Refugee Travel Document** - A refugee travel document is issued to a person classified as a refugee or asylee, or to a permanent resident who obtained such status as a result of being a refugee or asylee in the United States. Persons who hold aslyee or refugee status, and are not permanent residents must have a refugee travel document to return to the United States after temporary travel abroad.

3. **Advance Parole Document** - An advance parole document is issued solely to authorize the temporary parole of a person into the United States.

The document may be accepted by a transportation company in lieu of a visa as an authorization for the holder to travel to the United States. An advance parole document is not issued to serve in place of any required passport.

Advance parole is an extraordinary measure used sparingly to bring an otherwise inadmissible alien to the United States for a temporary period of time due to a compelling emergency. Advance parole cannot be used to circumvent the normal visa issuing procedures and is not a means to bypass delays in visa issuance.

NOTE: If you are in the United States and wish to travel abroad, you do not need to apply for advance parole if both conditions described below in **A** and **B** are met:

A. You are in one of the following nonimmigrant categories:

1. An H-1, temporary worker, or H-4, spouse or child of an H-1; **or**
2. An L-1, intracompany transferee, or L-2, spouse or child of an L-1; **or**
3. A K-3, spouse, or K-4, child of a U.S. citizen; **or**
4. A V-2, spouse, or V-3, child of a lawful permanent resident; **and**

B. A Form I-485, Application to Register Permanent Residence or Adjust Status, was filed on your behalf and is pending with USCIS.

However, upon returning to the United States, you must present your valid H, L, K, or V nonimmigrant visa and continue to remain eligible for that status.

Who May File Form I-131?

Each applicant must file a separate application for a travel document.

1. Re-entry Permit

A. ***If you are in the United States*** as a permanent resident or conditional permanent resident, you may apply for a reentry permit. After filing your application for a re-entry permit, USCIS will inform you in writing when to go to your local Application Support Center (ASC) for your biometrics appointment. (See Biometric Services Requirement.)

You must be physically present in the United States when you file the Re-entry Permit application. However, a Re-entry Permit may be sent to a U.S. Embassy or consulate or Department of Homeland Security (DHS) office abroad for you to pick up, if you request it when you file your application.

Departure from the United States before a decision is made on an application for a Re-entry Permit usually does not affect the application. **However, where biometric collection is required and the applicant departs the United States before the biometrics are collected, the application may be denied.**

With the exception of having to obtain a returning resident visa abroad, a Re-entry Permit does not relieve you of any of the requirements of U.S. immigration laws.

If you stay outside the United States for less than one year, you are not required to apply for a Re-entry Permit. You may re-enter the United States on your Permanent Resident Card (Form I-551).

If you intend to apply in the future for naturalization, absences from the United States for one year or more will generally break the continuity of your required continuous residence in the United States. If you intend to remain outside the United States for one year or more, you should file a Form N-470, Application to Preserve Residence for Naturalization Purposes. For further information, contact your local USCIS office.

B. Validity of Re-entry Permit

1. Generally, a Re-entry Permit issued to a permanent resident shall be valid for two years from the date of issuance. However, if since becoming a permanent resident you have been outside the United States for more than four of the last five years, the permit will be limited to one year, except that a permit with a validity of two years may be issued to the following:

   a. A permanent resident whose travel is on the order of the U.S. Government, other than an exclusion, deportation, removal, or recision order.

   b. A permanent resident employed by a public international organization of which the United States is a member by treaty or statute.

   c. A permanent resident who is a professional athlete and regularly competes in the United States and worldwide.

2. A Re-entry Permit issued to a conditional resident shall be valid for two years from the date of issuance, or to the date the conditional resident must apply for removal of the conditions on his or her status, whichever date comes first.

3. A Re-entry Permit may not be extended.

C. A Re-entry Permit may not be issued to you if:

1. You have already been issued such a document, and it is still valid, unless the prior document has been returned to USCIS, or you can demonstrate that it was lost; **or**

2. A notice was published in the Federal Register that precludes the issuance of such a document for travel to the area where you intend to go.

NOTICE to permanent or conditional residents who remain outside the United States for more than one year: If you do not obtain a Re-entry Permit and remain outside the United States for one year or more, it may be determined that you have abandoned your permanent or conditional resident status.

2. Refugee Travel Document

A. ***If you are in the United States*** in valid refugee or asylee status, or if you are a permanent resident as a direct result of your refugee or asylee status in the United States, you may apply for a Refugee Travel Document. Generally, you must have a Refugee Travel Document to return to the United States after temporary travel abroad. After filing your application for a Refugee Travel Document, USCIS will inform you in writing when to go to your local USCIS Application Support Center (ASC) for your biometrics appointment.

You should apply for a refugee travel document before you leave the United States. However, a Refugee Travel Document may be sent to a U. S. Embassy or consulate or DHS office abroad for you to pick up, if you request it when you file your application. Departure from the United States before a decision is made on the application for a Refugee Travel Document usually does not affect the application. **However, where biometric collection is required and the applicant departs the United States before the biometrics are collected, the application may be denied.**

Travel Warning Regarding Voluntary Re-availment

WARNING to asylees who travel to the country of claimed persecution:

If you applied for asylum on or after April 1, 1997, your asylum status may be terminated if the Government determines that you have voluntarily availed yourself of the protection of your country of claimed persecution. See Section 208(c)(2)(D) of the Immigration and Nationality Act, 8 U.S.C. 1158(c)(2)(D).

B. Validity of Refugee Travel Document

1. A Refugee Travel Document shall be valid for one year.
2. A Refugee Travel Document may not be extended.

C. A Refugee Travel Document may not be issued to you if:

1. You have already been issued such a document and it is still valid, unless the prior document has been returned to USCIS, or you can demonstrate that it was lost; or
2. A notice was published in the Federal Register that precludes the issuance of such a document for travel to the area where you intend to go.

NOTICE to permanent residents who obtain permanent residence as a result of their refugee or asylee status: If you do not obtain a Re-entry Permit and remain outside the United States for one year or more, it may be determined that you have abandoned your permanent resident status.

3. Advance Parole Document

Travel Warning Regarding Unlawful Presence

Before you apply for an Advance Parole Document, read this travel warning carefully.

A. If you have been unlawfully present in the United States for more than 180 days but less than one year and you leave before removal proceedings are started against you, you may be inadmissible for three years from the date of departure.

B. If you have been unlawfully present in the United States for one year or more, you may be inadmissible for ten years from the date of departure regardless of whether you left before, during or after removal proceedings.

C. Unlawful presence is defined as being in the United States without having been inspected and admitted or paroled, or after the period of authorized stay has expired.

D. However, certain immigration benefits and time spent in the United States while certain applications are pending may place you in a period of authorized stay. These include, but are not limited to, a properly filed adjustment of status application, Temporary Protected Status (TPS), deferred enforced departure (DED), asylum, and withholding of removal.

E. Although advance parole may allow you to return to the United States, your departure may trigger the three-or ten-year bar, if you accrued more than 180 days of unlawful presence **BEFORE** the date you were considered to be in a period of authorized stay.

F. Therefore, if you apply for adjustment of status after you return to the United States, resume an adjustment application that was pending before you left, or return to a status that requires you to establish that you are not inadmissible, you will need to apply for and receive a waiver of inadmissibility before your adjustment application may be approved or your status continued.

G. Generally, only those persons who can establish extreme hardship to their U.S. citizen or lawful permanent resident spouse or parent may apply for the waiver for humanitarian reasons to assure family unity or when it is otherwise in the public interest. (See sections 209(c), 212(a)(9) and 244(c) of the Immigration and Nationality Act for more information on unlawful presence and the available waivers.)

A. If you are outside the United States and need to visit the United States temporarily for emergent humanitarian reasons:

1. You may apply for an Advance Parole Document. However, your application must be based on the fact that you cannot obtain the necessary visa and any required waiver of inadmissibility. Parole under these conditions is granted on a case-by-case basis for temporary entry, according to such conditions as prescribed.
2. A person in the United States may file this application on your behalf. In so doing, he or she should complete **Part 1** of the form with information about him or herself.

B. If you are in the United States and seek advance parole:

1. You may apply if you have an adjustment- of- status application pending and you seek to travel abroad for emergent personal or bona fide business reasons; **or**
2. You may apply if you have been granted Temporary Protected Status or another another immigration status that allows you to return to that status after a brief, casual, and innocent absence (as defined in 8 CFR 244.1) from the United States.
3. You may apply if you are classified as a refugee or asylee and you seek to travel abroad for emergent personal or bona fide business reasons, or you are traveling to Canada to apply for a U.S. immigrant visa. NOTE: If a refugee or asylee who returns to the United States with an Advance Parole Document is paroled into the United States at a port of entry upon return, he or she will not be returned to his or her refugee or asylee status. A refugee or asylee who returns to the United States with a valid Refugee Travel Document may be admitted to the

United States to resume his or her refugee or asylee status. For additional information on Refugee Travel Documents, see Pages two and three of these instructions.

WARNING: If you have a pending application for asylum, and you return to the country of claimed persecution, it will be presumed that you abandoned your asylum application, unless you can show that there were compelling reasons for your return. See 8 C.F.R. § 208.8.

C. An Advance Parole document may not be issued to you if:

1. You held J-1 nonimmigrant status and are subject to the two-year foreign residence requirement as a result of that status; or
2. You are in exclusion, deportation, removal, or recission proceedings.

D. If you travel before the advance parole document is issued, your application will be deemed abandoned if:

1. You depart from the United States; or
2. The person seeking advance parole attempts to enter the United States before a decision is made on the application.

Note: Do not use this form if you are seeking release from immigration custody and you want to remain in the United States as a parolee. You should contact U.S. Immigration and Customs Enforcement (ICE) about your request.

General Instructions

Step 1. Fill Out the Form I-131

1. Type or print legibly in black ink.
2. If extra space is needed to complete any item, attach a continuation sheet, indicate the item number, and date and sign each sheet.
3. Answer all questions fully and accurately. State that an item is not applicable with "N/A." If the answer is none, write "none."

Step 2. General Requirements

1. Initial Evidence

We may request additional information or evidence, or we may request that you appear at a USCIS office for an interview or for fingerprinting. (See Biometric Services Requirement.) You must file your application with all the required evidence. If you do not submit the required evidence, it will delay the issuance of the document you are requesting.

All applications must include a **copy of an official photo identity document showing your photo, name and date of birth.** (Example: a valid government- issued driver's license; passport identity page; Form I-551, Permanent Resident Card, or any other official identity document.) The copy must **clearly** show the photo and identity information. **A Form I-94, Arrival/Departure Document, is not acceptable as a photo identity document.**

If you are applying for :

A. Re-entry Permit

You **must** attach:

1. A copy of the front and back of your Form I-551, Permanent Resident Card; or
2. If you have not yet received your Form I-551, a copy of the biographic page(s) of your passport and a copy of the visa page showing your initial admission as a permanent resident, or other evidence that you are a permanent resident; or
3. A copy of the Form I-797, Notice of Action, approval notice of an application for replacement of your Permanent Resident Card or temporary evidence of permanent resident status.

If you are applying for a:

B. Refugee Travel Document

You **must** attach a copy of the document issued to you by USCIS showing your refugee or asylee status and the expiration date of such status.

C. Advance Parole Document

1. ***If you are in the United States,*** you **must** attach:

   a. A copy of any document issued to you by USCIS showing your present status in the United States; and

   b. An explanation or other evidence showing the circumstances that warrant issuance of an advance parole document; or

   c. If you are an applicant for adjustment of status, a copy of a USCIS receipt as evidence that you filed the adjustment application;

d. If you are traveling to Canada to apply for an immigrant visa, a copy of the U.S. consular appointment letter.

2. *If you are applying for a person who is outside the United States,* you **must** attach:

a. A statement of how and by whom medical care, transportation, housing, and other expenses and subsistence needs will be met; and

b. An Affidavit of Support (Form I-134), with evidence of the sponsor's occupation and ability to provide necessary support; and

c. A statement explaining why a U.S. visa cannot be obtained, including when and where attempts were made to obtain a visa; and

d. A statement explaining why a waiver of inadmissibility cannot be obtained to allow issuance of a visa, including when and where attempts were made to obtain a waiver, and a copy of any DHS decision on your waiver request; and

e. A copy of any decision on an immigrant petition filed for the person, and evidence regarding any pending immigrant petition; and

f. A complete description of the emergent reasons explaining why advance parole should be authorized and including copies of any evidence you wish considered, and indicating the length of time for which the parole is requested.

g. Two completed fingerprint cards (FD-258). You must indicate your Alien Registration Number (A#) on the fingerprint card and ensure that the completed cards are not bent, folded, or creased. The fingerprint cards must be prepared by a U.S. Embassy or consulate, USCIS office, or U.S. Military Installation.

2. Photographs

A. ***If you are outside the United States and filing for a refugee travel document, or if you are in the United States and filing for advance parole document.***

You **must** submit two identical color photographs of yourself taken within 30 days of the filing of this application.

The photos must have a white to off-white background, be printed on thin paper with a glossy finish, and be unmounted and unretouched.
NOTE: Because of the current USCIS scanning process, if a digital photo is submitted, it needs to be produced from a high resolution camera, that has at least 3.5 mega pixels of resolution.

Passport-style photos must be 2" x 2." The photos must be in color with full face, frontal view on a white to off-white background. Head height should measure 1" to 1 3/8" from top of hair to bottom of chin, and eye height is between 1 1/8" to 1 3/8" from bottom of photo. Your head must be bare unless you are wearing a headdress as required by a religious order of which you are a member. Using pencil or felt pen, lightly print your name and Alien Receipt Number on the back of the photo.

B. If the person seeking advance parole is outside the United States:

1. If you are applying for an Advance Parole Document and you are outside the United States, do not submit the photographs with your application. Prior to issuing the parole document, the U.S. Embassy or consulate or DHS office abroad will provide you with information regarding the photograph requirements.

2. If you are filing this application for an Advance Parole Document for another person, submit the required photographs of the person to be paroled.

3. Biometric Services Requirement

If you are between age 14 through 79 and you are applying for a Refugee Travel Document or Re-entry Permit, you must be fingerprinted as part of USCIS biometric services requirements. After you have filed this application, USCIS will notify you in writing of the time and location where you must go to be fingerprinted. If necessary, USCIS may also take your photograph and signature. Failure to appear to be fingerprinted or for other biometric services may result in a denial of your application. All applicants for Re-entry Permit and/or Refugee Travel Documents between the ages of 14 through 79 are required to pay the additional $80 biometric fee. (See "What is the Filing Fee" on page eight).

Invalidation of Travel Document

Any travel document obtained by making a material false representation or concealment in this application will be invalid.

A travel document will also be invalid if you are ordered removed or deported from the United States.

In addition, a Refugee Travel Document will be invalid if the United Nations Convention of July 28, 1951, shall cease to apply or shall not apply to you as provided in Article 1C, D, E, or F of the Convention.

Copies. Unless specifically required that an original document be filed with an application or petition, an ordinary legible photocopy may be submitted. Original documents submitted when not required will remain a part of the record, even if the submission was not required.

Translations. Any document containing foreign language submitted to USCIS shall be accompanied by a full English language translation, which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English.

Expedite Request Instructions.
Expedited applications for Re-entry Permit or Refugee Travel Document. When mailing in this request, please notate the outside of the envelope with the word EXPEDITE. It is recommended that two pre-paid, self-addressed express mailers, e-mail addresses, and a fax number be provided with any expedite request for the Re-entry Permit or Refugee Travel Document. If the expedite request is granted and you provide prepaid, self-addressed express mailers, we will use the pre-paid mailers to send you the ASC appointment notice and travel document upon completion. If you do not provide pre-paid mailers, the appointment notice and travel document will be sent via regular mail.

Where To File?

E-Filing Form I-131

Certain Form I-131 filings may be electronically filed (e-filed) with USCIS. Please view our website at **www.uscis.gov** for a list of who is eligible to e-file this form and instructions.

1. **Travel Documents**

   If you are applying for a Refugee Travel Document based on your refugee or asylum status or you are a permanent resident as a direct result of your refugee or asylee status in the United States, file your Form I-131 with the Nebraska Service Center at the below address:

   USCIS Nebraska Service Center
   P.O. Box 87131
   Lincoln, NE 68501-7131

2. **Re-entry Permits**

   If you are a Lawful Permanent Resident or a Conditional Permanent Resident and are applying for a Re-entry Permit, file your Form I-131 with the Nebraska Service Center at the address below:

   USCIS Nebraska Service Center
   P.O. Box 87131
   Lincoln, NE 68501-7131

3. **Advance Parole**

   A. **For adjustment of status applications (Form I-485) filed with USCIS Chicago Lockbox Facility:**

   Submit Form I-131 either concurrently with Form I-485 or alone to the same address you used to file your I-485 application. (A complete list of the adjustment of status applications filed with USCIS Chicago Lockbox Facility is found on Form I-485.)

USCIS Lockbox Addresses:

For United States Postal Service (USPS) deliveries:

USCIS
P.O. Box 805887
Chicago, IL 60680-4120

For private courier (non-USPS) deliveries:

USCIS
Attn: FBASI
427 S. LaSalle - 3rd Floor
Chicago, IL 60605-1029

B. **For battered spouses and children applying for adjustment of status:**

If you are filing as a battered or abused spouse or child and you are filing your I-131 concurrently with Form I-485, send both forms to the address you will use to file Form I-485. If you are requesting advanced parole based on a pending I-485, file your Form I-131 using the same address you used to file Form I-485.

C. **For special immigrant international employees:**

If you are a special immigrant international organization employee or eligible relative and you are applying for advance parole concurrently with Form I-485, use the filing address listed on Form I-485 for both forms. If you are filing a Form I-131 based on a pending Form I-485, file Form I-131 with the Nebraska Service Center using the following address:

USCIS Nebraska Service Center
P.O. Box 87131
Lincoln, NE 68501-7131

D. For aliens granted refugee or asylee status who have filed or will file an adjustment of status application:

If you have been granted refugee or asylee status and you are applying for advance parole concurrently with Form I-485, use the filing address listed on Form I-485 for both forms. If you are filing a Form I-131 based on a pending Form I-485, file Form I-131 with the Service Center where your Form I-485 is pending. (See addresses to the Nebraska and Texas Service Centers below.)

E. For Immigrant Investors:

If you are an immigrant investor and you are applying for advance parole concurrently with Form I-485, use the filing address listed on Form I-485 for both forms. If you are filing a Form I-131 based on a pending Form I-485, file Form I-131 with the Texas Service Center using the following address:

USCIS Texas Service Center
P.O. Box 851182
Mesquite, TX 75185-1182

F. For applicants covered under the Haitian Refugee Immigrant Fairness Act (HRIFA):

If you are either the dependent spouse or child of a HRIFA principal or a HRIFA principal who has a Form I-485 pending, you may file your Form I-131 using the following address:

USCIS Nebraska Service Center
P.O. Box 87245
Lincoln, NE 68501-7245

For dependent spouse or dependent child covered under the Haitian Refugee Immigrant Fairness Act (HRIFA) outside the United States: If you are the spouse or child of a principal HRIFA applicant and are seeking advance parole to enter the United States to file for adjustment of status as a permanent resident, you may file your Form I-131 using the following address:

USCIS Nebraska Service Center
P.O. Box 87245
Lincoln, NE 68501-7131

G. For other adjustment- of- status applications (Form I-485) filed at a USCIS Service Center including the following:

1. Based on an underlying Form I-140 petition;
2. Based on an underlying Form I-360 petition not previously mentioned; **or**
3. Others not previously mentioned.

If you are applying for advance parole concurrently with Form I-485, use the filing address listed on Form I-485 for both forms. If you are filing a Form I-131 based on a pending Form I-485, file Form I-131 with the Nebraska Service Center or Texas Service Center, depending on where you live.

1. Nebraska Service Center filings:

File your Form I-131 with the Nebraska Service Center if you live in the following states: Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Nevada, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin, or Wyoming.

USCIS Nebraska Service Center
P.O. Box 87131
Lincoln, NE 68501-7131

2. Texas Service Center filings:

File your Form I-131 with the Texas Service Center if you live in the following states: Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Oklahoma, Tennessee, Texas, Vermont, Virginia, U.S. Virgin Islands, West Virginia, and the District of Columbia.

USCIS Texas Service Center
P.O. Box 851182
Mesquite, TX 75185-1182

G. For individuals with Temporary Protected Status (TPS)

If you have been granted Temporary Protected Status and you are applying for advance parole, mail Form I-131 to the Vermont Service Center, regardless of where you live in the United States.

USCIS Vermont Service Center
Attn: I-131
75 Lower Welden Street
St. Albans, VT 05479-0001

H. Beneficiaries outside of the United States seeking parole due to extraordinary, emergent, humanitarian circumstances should mail Form I-131 to the following address:

U.S. Citizenship and Immigration Services
Attn: Chief, International Operations Division (Humanitarian Parole)
20 Massachusetts Avenue, NW, Room 3300
Washington, DC 20529

I. Questions Regarding Form I-131

For additional information about Form I-131, including how to file your application or filing locations not mentioned, call the USCIS National Customer Service Center at **1-800-375-5283** or visit our website at **www.uscis.gov**.

What Is the Filing Fee?

The fee for this application is $305 and may not be waived, (see NOTE that follows for when this fee may not apply). The biometric fee is $80 for applicants ages 14 through 79 who request a Refugee Travel Document or Re-Entry Permit, unless the applicant resides outside the United States at the time of filing their form. See 8 CFR 103.2(e)(4)(ii)(A)). The application fee and biometrics services fee may be paid with one $385 check. Persons financially unable to pay the required biometric services fee may submit a fee waiver request, with supporting documentation, as described in 8 CFR 103.7(c). USCIS will inform you regarding the approval or denial of your fee waiver request.

NOTE: If you filed a Form I-485, Application to Register Permanent Residence or Adjust Status, on or after July 30, 2007, and you paid the I-485 application fee required, then no fee is required to file a request for Advance Parole or for a Refugee Travel Document on Form I-131. You may file the I-131 for Advance Parole or for a Refugee Travel Document concurrently with your I-485, or you may submit the I-131 for Advance Parole or a Refugee Travel Document at a later date. If you file Form I-131 for advance parole or a refugee travel document separately, you must also submit a copy of your Form I-797C, Notice of Action, receipt as evidence that you filed and paid the fee for the Form I-485 required on or after July 30, 2007.

Use the following guidelines when you prepare your check or money order for the Form I-131 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 check or money order payable to **U.S. Department of Homeland Security**, unless:

   A. If you live in Guam and are filing your petition there, make it payable to **Treasurer, Guam**.

   B. If you live in the U.S. Virgin Islands and are filing your petition there, make it payable to **Commissioner of Finance of the Virgin Islands**.

NOTE: Please 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, it will be converted 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 will be shown on your regular account statement.

You will not receive your original check back. We will destroy your original check, but we will keep a copy of it. If the EFT cannot be processed for technical reasons, you authorize us to process the copy in place of your original check. If the EFT cannot be completed because of insufficient funds, we may try to make the transfer up to two times.

How to Check If the Fees Are Correct

The form fee on this form is current as of the edition date appearing in the lower right corner of this page. However, because USCIS fees change periodically, you can verify if the fees are correct by following one of the steps below:

1. Visit our website at **www.uscis.gov**, select "Immigration Forms," and check the appropriate fee;
2. Review the Fee Schedule included in your form package, if you called us to request the form; or
3. Telephone our National Customer Service Center at **1-800-375-5283** and ask for the fee information.

Address Changes

If you change your address and you have an application or petition pending with USCIS, you may change your address online at **www.uscis.gov**, click on "Change your address with USCIS," and follow the prompts. Or you may complete and mail Form AR-11, Alien's Change of Address Card, to:

U.S. Citizenship and Immigration Services
Change of Address
P.O. Box 7134
London, KY 40742-7134

For commercial overnight or fast freight services only, mail to:

U.S. Citizenship and Immigration Services
Change of Address
1084-I South Laurel Road
London, KY 40744

Processing Information

Any Form I-131 that is not signed or accompanied by the correct fee(s) will be rejected with a notice that the Form I-131 is deficient. You may correct the deficiency and resubmit the Form I-131. An application or petition is not considered properly filed until accepted by USCIS.

Initial processing. Once a Form I-131 has been accepted, it will be checked for completeness, including submission of the required initial evidence. If you do not completely fill out the form, or file it without required initial evidence, you will not establish a basis for eligibility and we may deny your Form I-131.

Requests for more information or interview. We may request more information or evidence, or we may request that you appear at a USCIS office for an interview. We may also request that you submit the originals of any copy. We will return these originals when they are no longer required.

Decision. The decision on a Form I-131 involves a determination of whether you have established eligibility for the requested benefit. You will be notified of the decision in writing.

What If You Claim Nonresident Alien Status on Your Federal Income Tax Return?

If you are an alien who has established residence in the United States after having been admitted as an immigrant or adjusted status to that of an immigrant, and are considering the filing of a nonresident alien tax return or the non-filing of a tax return on the ground that you are a nonresident alien, you should carefully review the consequences of such actions under the Immigration and Nationality Act.

If you file a nonresident alien tax return or fail to file a tax return, you may be regarded as having abandoned residence in the United States and as having lost your permanent resident status under the Act. As a consequence, you may be ineligible for a visa or other document for which permanent resident aliens are eligible.

You may also be inadmissible to the United States if you seek admission as a returning resident, and you may become ineligible for adjustment of status as a permanent resident, or naturalization on the basis of your original entry.

USCIS Forms and Information

To order USCIS forms, call our toll-free number at **1-800-870-3676**. You can also get USCIS forms and information on immigration laws, regulations, and procedures by telephoning our National Customer Service Center at **1-800-375-5283** or visiting our Internet website at **www.uscis.gov**.

As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our Internet-based system, **InfoPass**. To access the system, visit our website. Use the **InfoPass** appointment scheduler and follow the screen prompts to set up your appointment. **InfoPass** generates an electronic appointment notice that appears on the screen.

Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with this Form I-131, we will deny the Form I-131 and may deny any other immigration benefit.

In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.

Privacy Act Notice

We ask for the information on this form, and associated evidence, to determine if you have established eligibility for the immigration benefit for which you are filing. Our legal right to ask for this information can be found in the Immigration and Nationality Act, as amended. We may provide this information to other government agencies. Failure to provide this information, and any requested evidence, may delay a final decision or result in denial of your Form I-131.

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 OMB control number. The public reporting burden for this collection of information is estimated at one hour and 55 minutes per response, including the time for reviewing instructions, and completing and submitting the form. 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, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529. OMB No. 1615-0013. **Do not mail your application to this address.**

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

OMB No. 1615-0013; Expires 02/28/09

I-131, Application for Travel Document

DO NOT WRITE IN THIS BLOCK — **FOR USCIS USE ONLY (except G-28 block below)**

Document Issued	Action Block	Receipt
☐ Reentry Permit ☐ Refugee Travel Document ☐ Single Advance Parole ☐ Multiple Advance Parole Valid to: _____ **If Reentry Permit or Refugee Travel Document, mail to:** ☐ Address in Part 1 ☐ American embassy/consulate at: _____ ☐ Overseas DHS office at: _____		☐ Document Hand Delivered On _____ By _____ ***To be completed by Attorney/Representative, if any.*** Attorney State License # _____ ☐ Check box if G-28 is attached.

Part 1. Information about you. *(Please type or print in black ink.)*

1. A #

2. Date of Birth *(mm/dd/yyyy)*

3. Class of Admission

4. Gender Male ☐ Female ☐

5. Name *(Family name in capital letters)* *(First)* *(Middle)*

6. Address *(Number and Street)* Apt. #

City State or Province Zip/Postal Code Country

7. Country of Birth

8. Country of Citizenship

9. Social Security # *(if any.)*

Part 2. Application type *(check one)*.

a. ☐ I am a permanent resident or conditional resident of the United States and I am applying for a reentry permit.

b. ☐ I now hold U.S. refugee or asylee status and I am applying for a refugee travel document.

c. ☐ I am a permanent resident as a direct result of refugee or asylee status and I am applying for a refugee travel document.

d. ☐ I am applying for an advance parole document to allow me to return to the United States after temporary foreign travel.

e. ☐ I am outside the United States and I am applying for an advance parole document.

f. ☐ I am applying for an advance parole document for a person who is outside the United States. *If you checked box "f", provide the following information about that person:*

1. Name *(Family name in capital letters)* *(First)* *(Middle)*

2. Date of Birth *(mm/dd/yyyy)*

3. Country of Birth

4. Country of Citizenship

5. Address *(Number and Street)* Apt. # Daytime Telephone # *(area/country code)*

City State or Province Zip/Postal Code Country

Part 3. Processing information.

1. Date of Intended Departure *(mm/dd/yyyy)*

2. Expected Length of Trip

3. Are you, or any person included in this application, now in exclusion, deportation, removal or recission proceedings? ☐ No ☐ Yes *(Name of DHS office)*:

If you are applying for an Advance Parole Document, skip to Part 7.

4. Have you ever before been issued a reentry permit or refugee travel? ☐ No ☐ Yes *(Give the following information for the last document issued to you)*:

Date Issued *(mm/dd/yyyy)*: Disposition *(attached, lost, etc.)*:

5. Where do you want this travel document sent? *(Check one)*

a. ☐ To the U.S. address shown in **Part 1** on the first page of this form.

b. ☐ To an American embassy or consulate at: City: Country:

c. ☐ To a DHS office overseas at: City: Country:

d. If you checked "b" or "c", where should the notice to pick up the travel document be sent?

☐ To the address shown in **Part 2** on the first page of this form.

☐ To the address shown below:

Address *(Number and Street)* Apt. # Daytime Telephone # *(area/country code)*

City State or Province Zip/Postal Code Country

Part 4. Information about your proposed travel.

Purpose of trip. *If you need more room, continue on a seperate sheet(s) of paper.*	List the countries you intend to visit.

Part 5. Complete only if applying for a reentry permit.

Since becoming a permanent resident of the United States (or during the past five years, whichever is less) how much total time have you spent outside the United States?

☐ less than six months ☐ two to three years
☐ six months to one year ☐ three to four years
☐ one to two years ☐ more than four years

Since you became a permanent resident of the United States, have you ever filed a federal income tax return as a nonresident, or failed to file a federal income tax return because you considered yourself to be a nonresident? *(If "Yes," give details on a separate sheet(s) of paper.)* ☐ Yes ☐ No

Part 6. Complete only if applying for a refugee travel document.

1. Country from which you are a refugee or asylee:

If you answer "Yes" to any of the following questions, you must explain on a separate sheet(s) of paper.

2. Do you plan to travel to the above named country? ☐ Yes ☐ No

3. Since you were accorded refugee/asylee status, have you ever:
   a. returned to the above named country? ☐ Yes ☐ No
   b. applied for and/or obtained a national passport, passport renewal or entry permit of that country? ☐ Yes ☐ No
   c. applied for and/or received any benefit from such country (for example, health insurance benefits). ☐ Yes ☐ No

4. Since you were accorded refugee/asylee status, have you, by any legal procedure or voluntary act:
   a. reacquired the nationality of the above named country? ☐ Yes ☐ No
   b. acquired a new nationality? ☐ Yes ☐ No
   c. been granted refugee or asylee status in any other country? ☐ Yes ☐ No

Part 7. Complete only if applying for advance parole.

On a separate sheet(s) of paper, please explain how you qualify for an advance parole document and what circumstances warrant issuance of advance parole. Include copies of any documents you wish considered. *(See instructions.)*

1. For how many trips do you intend to use this document? ☐ One trip ☐ More than one trip

2. If the person intended to receive an advance parole document is outside the United States, provide the location (city and country) of the American embassy or consulate or the DHS overseas office that you want us to notify.

City

Country

3. If the travel document will be delivered to an overseas office, where should the notice to pick up the document be sent:

☐ To the address shown in **Part 2** on the first page of this form.

☐ To the address shown below:

Address *(Number and Street)*

Apt. #

Daytime Telephone # *(area/country code)*

City

State or Province

Zip/Postal Code

Country

Part 8. Signature.

Read the information on penalties in the instructions before completing this section. If you are filing for a reentry permit or refugee travel document, you must be in the United States to file this application.

I certify, under penalty of perjury under the laws of the United States of America, that this application and the evidence submitted with it are all true and correct. I authorize the release of any information from my records that the U.S. Citizenship and Immigration Services needs to determine eligibility for the benefit I am seeking.

Signature

Date *(mm/dd/yyyy)*

Daytime Telephone Number *(with area code)*

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

Part 9. Signature of person preparing form, if other than the applicant. *(Sign below.)*

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

Signature

Print or Type Your Name

Firm Name and Address

Daytime Telephone Number (*with area code*)

Fax Number (*if any.*)

Date *(mm/dd/yyyy)*

OMB No. 1615-0020; Expires 10/31/08

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

Instructions for Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant

Instructions

Please read these instructions carefully to properly complete this form. If you need more space to complete an answer, use a separate sheet(s) of paper. Write your name and Alien Registration Number (A #), if any, at the top of each sheet of paper and indicate the part and number of the item to which the answer refers.

The filing addresses provided on this form reflect the most current information as of the date this form was last printed. If you are filing Form I-360 more than 30 days after the latest edition date shown in the lower right-hand corner, please visit our website at **www.uscis.gov** before you file, and check the Immigration Forms page to confirm the correct filing address and version currently in use. Check the edition date located in the lower right-hand corner of the form. If the edition date on your Form I-360 matches the edition date listed for Form I-360 on the online Immigration Forms page, your version is current and will be accepted by USCIS. If the edition date on the online version is later, download a copy and use the online version. If you do not have Internet access, call the National Customer Service Center at 1-800-375-5283 to verify the current filing address and edition date. **Improperly filed forms will be rejected, and the fee returned, with instructions to resubmit the entire filing using the current form instructions.**

What Is the Purpose of This Form?

This petition is used to classify an alien as:

1. An Amerasian;
2. A Widow or Widower;
3. A Battered or Abused Spouse or Child of a U.S. Citizen or Lawful Permanent Resident; or
4. A special immigrant is defined as one of the following;
   - **A.** Religious Worker;
   - **B.** Panama Canal Company Employee, Canal Zone Government Employee, U.S. Government in the Canal Zone Employee;
   - **C.** Physician;
   - **D.** International Organization Employee or Family Member;
   - **E.** Juvenile Court Dependent;
   - **F.** Armed Forces Member; or
   - **G.** Afghanistan or Iraq national who supported the U.S. Armed Forces as a translator.

Who May File This Form I-360?

Amerasian

Any person who is 18 or older, including the alien, or a U.S. corporation may file this petition for a beneficiary who was born in Korea, Vietnam, Laos, Kampuchea, or Thailand after December 31, 1950, and before October 22, 1982, and was fathered by a U.S. citizen.

The petition must be filed with:

1. Copies of evidence showing that the person who is subject of this petition was born in one of the above countries between those dates. If he or she was born in Vietnam, you must also submit a copy of his or her Vietnamese identification card, or an affidavit explaining why it is not available;
2. Copies of evidence establishing the parentage of the person, and that the biological father was a U.S. citizen. Examples of documents that may be submitted are: birth or baptismal records or other religious documents; local civil records; an affidavit, correspondence, or evidence of financial support from the father; photographs of the father (especially with the child); or, absent other documents, affidavits from knowledgeable witnesses that detail the parentage of the child and how they know such facts;
3. A photograph of the person;
4. If the person is married, submit a copy of the marriage certificate, and proof of the termination of any prior marriages;

The sponsorship documents noted below are also required. You may file these documents with the petition or wait until USCIS reviews the petition and requests them. However, not filing them with the petition will add to the overall processing time.

1. An Affidavit of Financial Support executed by the sponsor with the evidence of financial ability required by that form. Please note that the original sponsor remains financially responsible for the Amerasian if any subsequent sponsor fails in this area;
2. Copies of evidence showing that the sponsor is at least 21 years old and is a U.S. citizen or permanent resident;
3. Fingerprints of the sponsor taken by USCIS as part of the required biometric services,

Widow/Widower of a U.S. Citizen

You may file this petition for yourself if:

1. You were married for at least two years to a U.S. citizen who is now deceased and who was a U.S. citizen at the time of death;
2. Your citizen spouse's death was less than two years ago;
3. You were not legally separated from your citizen spouse at the time of death; and
4. You have not remarried.

The petition must be filed with:

1. A copy of your marriage certificate to the U.S. citizen and proof of termination of any prior marriages of either of you;
2. Copies of evidence that your spouse was a U.S. citizen, such as a birth certificate if born in the United States, Naturalization Certificate or Certificate of Citizenship issued by USCIS; Form FS-240, Report of Birth Abroad of a Citizen of the United States; or a U.S. passport which was valid at the time of the citizen's death; and
3. A copy of the death certificate of your U.S. citizen spouse.

Special Immigrant Juvenile

Any person, including the alien, may file this petition for an alien who:

1. Is unmarried and less than 21 years old;
2. Has been declared dependent upon a juvenile court in the United States, or who such a court has legally committed to, or placed under the custody of an agency or department of a State, and who has been found eligible for long-term foster care; and
3. Has been the subject of administrative or judicial proceedings in which it was determined that it would not be in the juvenile's best interests to be returned to the juvenile's or his or her parent's country of nationality or last habitual residence.

The petition must be filed with:

1. A copy of the juvenile's birth certificate or other evidence of his or her age;
2. Copies of the court or administrative document(s) upon which the claim to eligibility is based.

NOTE: After a special immigrant juvenile becomes a permanent resident, his or her parent(s) may not receive any immigration benefit based on the relationship to the juvenile.

Special Immigrant Religious Worker

Any person, including the alien, may file this petition for an alien who for the past two years has been a member of a religious denomination which has a bona fide nonprofit, religious organization in the United States, and who has been carrying on the vocation, professional work, or other work described below, continuously for the past two years; and seeks to enter the United States to work solely:

1. As a minister of that denomination; or in a professional capacity in a religious vocation or occupation for that organization; or
2. In a religious vocation or occupation for the organization or its nonprofit affiliate.

NOTE: All special immigrant religious workers, other than ministers, immigrating to the United States as special immigrant religious workers must immigrate (i.e., enter the United States) or adjust status to permanent residence (i.e., have their Form I-360 and Form I-485 approved) before **October 1, 2008.**

The petition must be filed with:

1. A letter from the authorized official of the religious organization establishing that the proposed services and alien qualify as above;
2. A letter from the authorized official of the religious organization attesting to the alien's membership in the religious denomination and explaining, in detail, the person's religious work and all employment during the past two years and the proposed employment; and
3. Evidence establishing that the religious organization, and any affiliate which will employ the person, is a bona fide nonprofit religious organization in the United States that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986.

Special immigrant based on employment with the Panama Canal Company, Canal Zone Government or U.S. Government in the Canal Zone

Any person may file this petition for an alien who, at the time the Panama Canal Treaty of 1977 entered into force, either:

1. Was resident in the Canal Zone and had been employed by the Panama Canal Company, or Canal Zone Government for at least one year; or
2. Was a Panamanian national and either honorably retired from U.S. Government employment in the Canal Zone with a total of 15 or more years of faithful service; or

3. Was employed for 15 years and since honorably retired; or was an employee of the Panama Canal Company or Canal Zone Government, had performed faithful service for five years or more as an employee, and whose personal safety, or the personal safety of his or her spouse or child, is in danger as a direct result of the special nature of his or her employment and as a direct result of the Treaty.

The petition must be filed with:

1. A letter from the Panama Canal Company, Canal Zone Government, or U.S. Government agency employing the person in the Canal Zone, indicating the length and circumstances of employment and any retirement or termination; and
2. Copies of evidence to establish any claim of danger to personal safety.

Special Immigrant Physician

Any person may file this petition for an alien who:

1. Graduated from a medical school or qualified to practice medicine in a foreign state;
2. Was fully and permanently licensed to practice medicine in a State of the United States on January 9, 1978, and was practicing medicine in a State on that date;
3. Entered the United States as an "H" or "J" nonimmigrant before January 9, 1978; and
4. Has been continuously present in the United States and continuously engaged in the practice or study of medicine since the date of such entry.

The petition must be filed with:

1. Letters from the person's employers, detailing his or her employment since January 8, 1978, including the current employment; and
2. Copies of relevant documents that demonstrate that the person filed for meets all the above criteria.

Special Immigrant International Organization Employee or family member

Certain long-term "G" and "N" nonimmigrant employees of a qualifying international organization entitled to enjoy privileges, exemptions, and immunities under the International Organizations Immunities Act, and certain relatives of such an employee, may be eligible to apply for classification as a Special Immigrant. To determine eligibility, contact the qualifying international organization or your local USCIS office.

The petition must be filed with:

1. A letter from the international organization demonstrating that it is a qualifying organization and explaining the circumstances of qualifying employment and the immigration status held by the person the petition is for; and
2. Copies of evidence documenting the relationship between the person this petition is for and the employee.

Armed Forces Member

You may file this petition for yourself if:

1. You have served honorably on active duty in the U.S. Armed Forces after October 15, 1978;
2. You originally lawfully enlisted outside the United States under a treaty or agreement in effect on October 1, 1991, for a period or periods aggregating:
   - **A.** Twelve years, and were never separated from such service except under honorable conditions; or
   - **B.** Six years, are now on active duty, and have reenlisted to incur a total active duty service obligation of at least 12 years;
3. You are a national of an independent state which maintains a treaty or agreement allowing nationals of that state to enlist in the U.S. Armed Forces each year; and
4. The executive department under which you have served or are serving has recommended you for this special immigrant status.

The petition must be filed with:

1. Certified proof issued by the authorizing official of the executive department in which you are serving or have served which certifies that you have the required honorable active duty service and/or commitment; and
2. Your birth certificate.

Afghanistan or Iraq National Supporting U.S. Armed Forces as a Translator

You may file this petition for yourself if:

1. You are a national of Afghanistan or Iraq;
2. You worked directly with the U.S. Armed Forces as a translator for a period of at least 12 months;
3. You have obtained a favorable written recommendation from a general or flag officer in the chain of command of the U.S. Armed Forces unit that you supported; and

4. Before filing this petition, you were cleared by a background check and screening, as determined by a general or flag officer in the chain of command of the U.S. Armed Forces unit that you supported.

The petition must be filed with:

1. A copy of your passport or birth certificate, showing that you are a national of Afghanistan or Iraq;
2. A favorable written recommendation from a general or flag officer in the chain of command of the U.S. Armed Forces unit that you supported;
3. Documentation establishing that you have worked as a translator directly for the U.S. Armed Forces for a period of at least 12 months;
4. Evidence of having cleared a background check and screening by the U.S. Armed Forces. This can be in the form of a written letter attesting to the clearance signed by a member of the U.S. Armed Forces unit that you supported; and
5. A properly signed Form I-360 in **Part 9, Signature**, by the petitioner.

If you are physically present in the United States, you must also submit a copy of the front and back of your Form I-94, Arrival/Departure Document. This is the document you received upon arrival in the United States.

Self-Petitioning Battered or Abused Spouse or Child of a U.S. Citizen or Lawful Permanent Resident

You may self-petition for immediate relative or family-sponsored immigrant classification if you:

1. Are now the spouse or child of an abusive U.S. citizen or lawful permanent resident;
2. Are eligible for immigrant classification based on that relationship;
3. Are now residing in the United States or have resided in the United States with the U.S. citizen or lawful permanent resident abuser in the past;
4. Have been battered by or have been the subject of extreme cruelty perpetrated by:
   - **A.** Your U.S. citizen or lawful permanent resident spouse during the marriage, or are the parent of a child who has been battered by or has been the subject of extreme cruelty perpetrated by your abusive citizen or lawful permanent resident spouse during your marriage;
   - **B.** Your citizen or lawful permanent resident parent while residing with that parent;
5. Are a person of good moral character;
6. Are a person whose removal or deportation would result in extreme hardship to yourself, or to your child if you are a spouse; and if you
7. Are a spouse who entered into the marriage to the citizen or lawful permanent resident abuser in good faith.

NOTE: Divorce or other legal termination of the marriage to the abuser **after** the self-petition is properly filed with USCIS will not be the sole basis for denial or revocation of an approved self-petition. If you remarry before you become a lawful permanent resident, however, your self-petition will be denied or the approval revoked.

Your self-petition may be filed with any credible relevant evidence of eligibility. The determination of what evidence is credible and the weight to be given that evidence is within the sole discretion of USCIS; therefore, you are encouraged to provide the following documentation:

1. Evidence of the abuser's U.S. citizenship or lawful permanent resident status;
2. Marriage and divorce decrees, birth certificates, or other evidence of your legal relationship to the abuser;
3. One or more documents showing that you and the abuser have resided together in the United States in the past, such as employment records, utility receipts, school records, hospital or medical records, birth certificates of children, mortgages, rental records, insurance policies, or affidavits;
4. One or more documents showing that you are now residing in the United States, such as the documents listed above;
5. Evidence of the abuse, such as reports and affidavits from police, judges, and other court officials, medical personnel, school officials, clergy, social workers, and other social service agency personnel. If you have an order of protection, or have taken other legal steps to end the abuse, you should submit copies of those court documents;
6. If you are more than 14 years of age, your affidavit of good moral character accompanied by a local police clearance, state-issued criminal background check, or similar report from each locality or state in the United States or abroad in which you have resided for six or more months during the three-year period immediately preceding the filing of your self-petition;
7. Affidavits, birth certificates of children, medical reports, and other relevant credible evidence of the extreme hardship that would result if you were to be removed or deported; and

8. If you are a spouse, proof that one spouse has been listed as the other's spouse on insurance policies, property leases, income tax forms, or bank accounts; and testimony or other evidence regarding your courtship, wedding ceremony, shared residence, and experiences showing that your marriage was entered in good faith.

NOTE: A self-petitioning battered or abused spouse or child of a U.S. citizen or lawful permanent resident may submit any relevant credible evidence in place of the suggested evidence.

Public Service Information

The National Domestic Violence Hotline provides information, crisis intervention, and referrals to local service providers, including legal assistance organizations, to victims of domestic violence or anyone calling on their behalf at 1-800-799-7233 or TDD at 1-800-787-3244 TTD.

The hotline services are available 24 hours a day, seven (7) days a week, toll-free from anywhere in the United States, Puerto Rico, or the U.S. Virgin Islands. The staff and volunteers speak both English and Spanish and have access to translators in 139 languages.

General Instructions

Step 1. Fill Out Form I-360

1. Type or print legibly in black ink.
2. If extra space is needed to complete any item, attach a continuation sheet, indicate the item number, and date and sign each sheet.
3. Answer all questions fully and accurately. State that an item is not applicable with "N/A." If the answer is none, write "none."
4. Every petition must be properly signed, and accompanied by the proper fee. If you are under 14 years of age, your parent or guardian may sign the petition.

Step 2. General requirements

Translations. Any document containing foreign language submitted to USCIS shall be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English.

Copies. Unless specifically required that an original document be filed with an application or petition, an ordinary legible photocopy may be submitted. Original documents submitted when not required will remain a part of the record, even if the submission was not required.

Where To File?

Where the Form I-360 is submitted depends on where you live and/or the catagory you are filing under. See the following instructions to determine where to file the petition. For Service Center and Lockbox mailing addresses, go to **"Mailing Addresses"** at the end of this section.

Amerasian

1. If the beneficiary lives outside the United States, Form I-360 may be filed at the USCIS office overseas or at the U.S. Embassy or consulate having jurisdiction over the beneficiary's current place of residence.
2. Form I-360 may also be filed at the USCIS office having jurisdiction over the beneficiary's intended place of residence in the United States by submitting this petition to the USCIS Lockbox.

Widow or Widower

1. If you are filing only Form I-360, it must be filed at the Vermont Service Center.
2. Form I-360 may also be filed concurrently with Form I-485. Concurrent Form I-360/I-485 widow/widower filings must be filed with the USCIS Lockbox.
3. If you live outside the United States, you may file Form I-360 at the USCIS office or U.S. Embassy or consulate that has jurisdiction over the area where you live.

Special Immigrant Juvenile Court Dependent

Form I-360 may be filed alone or concurrently with Form I-485 at the USCIS Lockbox.

Religious Worker or Minister

Form I-360 must be filed at the California Service Center, regardless of where you live or work. It cannot be filed concurrently with Form I-485.

Special Immigrant International Organization Employee or Family Member

Form I-360 must be filed with the Nebraska Service Center, regardless of where you live. It may be filed alone or concurrently with Form I-485.

Armed Forces Member

1. If you live outside the United States, file Form I-360 at the USCIS office or U.S. Embassy or consulate abroad that has jurisdiction over the area where you live.
2. If you live in the United States, file Form I-360 with the Vermont or California Service Center depending on the place where you live, or you may file it concurrently with Form I-485 at the USCIS Lockbox.

Afghan and Iraqi Translators

Form I-360 must be filed at the Nebraska Service Center, regardless of where you live. It cannot be filed concurrently with Form I-485.

International Broadcasters

Form I-360 must be filed at the Vermont Service Center, regardless of where you live or work. It cannot be filed concurrently with Form I-485.

Self-Petitioning Battered or Abused Spouse or Child

Form I-360 must be filed at the Vermont Service Center, regardless of where you live. In some cases it may be filed concurrently with Form I-485 (see note below).

NOTE: Form I-485 may be filed concurrently with Form I-360 if the abusive spouse or parent is a U.S. citizen. Otherwise, an immigrant visa number must be immediately available to file the I-485 concurrently.

For other categories including:

1. Panama Canal Company Employment;
2. Canal Zone Government Employment;
3. U.S. Government in Canal Zone Employment; or
4. Special Immigrant Physician.

File Form I-360 with the California Service Center or the Vermont Service Center, depending on where you live:

If you live in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, South Carolina, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, Tennessee, Texas, Vermont, Virginia, U.S. Virgin Islands, or West Virginia, file this petition with the **Vermont Service Center**.

If you live in Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin, or Wyoming, file this petition with the **California Service Center**.

Mailing Addresses

Service Center Addresses:

California Service Center:

USCIS
California Service Center
P.O. Box 10360
Laguna Niguel, CA 92607-0360

Nebraska Service Center

USCIS
Nebraska Service Center
P.O. Box 87360
Lincoln, NE 68501-7360

Vermont Service Center

USCIS
Vermont Service Center
75 Lower Welden Street
St. Albans, VT 05479-0001

USCIS Lockbox Addresses

USCIS
P.O. Box 805887
Chicago, IL 60680-4120

What Is the Filing Fee?

The filing fee for Form I-360 is **$375**, except there is no fee if filing for an Amerasian, a Special Immigrant Juvenile or as a self-petitioning battered or abused spouse, parent, or child of a U.S. citizen, or lawful permanent resident.

An additional biometric fee of **$80** is required when filing this Form I-360 on behalf of an Amerasian. After you submit Form I-360, USCIS will notify you about when and where you will need to go for biometric services.

You may submit one check or money order for both the application and biometric fees, for a total of **$455.**

Use the following guidelines when you prepare your check or money order for Form I-360, and the biometric service fee if applicable:

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 check or money order payable to **U.S. Department of Homeland Security**, unless:
   - **A.** If you live in Guam and are filing your petition there, make it payable to **Treasurer, Guam.**
   - **B.** If you live in the U.S. Virgin Islands and are filing your petition there, make it payable to **Commissioner of Finance of the Virgin Islands.**

NOTE: Please 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, it will be converted 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 will be shown on your regular account statement.

You will not receive your original check back. We will destroy your original check, but we will keep a copy of it. If the EFT cannot be processed for technical reasons, you authorize us to process the copy in place of your original check. If the EFT cannot be completed because of insufficient funds, we may try to make the transfer up to two times.

How to Check If the Fees Are Correct

The form and biometric fees on this form are current as of the edition date appearing in the lower right corner of this page. However, because USCIS fees change periodically, you can verify if the fees are correct by following one of the steps below:

1. Visit our website at **www.uscis.gov**, select "Immigration Forms," and check the appropriate fee;
2. Review the Fee Schedule included in your form package, if you called us to request the form, or
3. Telephone our National Customer Service Center at **1-800-375-5283** and ask for the fee information.

NOTE: If your Form I-360 requires payment of a biometric service fee for USCIS to take your fingerprints, photograph, or signature, you can use the same procedure to obtain the correct biometric fee.

Address Changes

If you change your address and you have an application or petition pending with USCIS, you may change your address online at **www.uscis.gov**, click on "Change your address with USCIS," and follow the prompts. Or you may complete and mail Form AR-11, Alien's Change of Address Card, to:

U.S. Citizenship and Immigration Services
Change of Address
P.O. Box 7134
London, KY 40742-7134

For commercial overnight or fast freight services only, mail to:

U.S. Citizenship and Immigration Services
Change of Address
1084-I South Laurel Road
London, KY 40744

Processing Information

Any Form I-360 that is not signed or accompanied by the correct fee will be rejected with a notice that Form I-360 is deficient. You may correct the deficiency and resubmit the Form I-360. An application or petition is not considered properly filed until accepted by USCIS.

Initial processing. Once a Form I-360 has been accepted, it will be checked for completeness, including submission of the required initial evidence. If you do not completely fill out the form, or file it without required initial evidence, you will not establish a basis for eligibility, and we may deny your petition.

Requests for more information or interview. We may request more information or evidence, or we may request that you appear at a USCIS office for an interview. We may also request that you submit the originals of any copy. We will return these originals when they are no longer required.

Decision. If you establish that the person this petition is for is eligible for the requested classification, we will approve the petition. We will send it to the U.S. Embassy or consulate for visa issuance, unless he or she is in the United States and appears eligible and intends to apply for adjustment to permanent resident status while here. If you do not establish eligibility, we will deny the petition. We will notify you in writing of our decision.

USCIS Forms and Information

To order USCIS forms, call our toll-free number at **1-800-870-3676**. You can also get USCIS forms and information on immigration laws, regulations, and procedures by telephoning our National Customer Service Center at **1-800-375-5283** or visiting our Internet website at **www.uscis.gov**.

As an altenative to waiting in line for assistance at a USCIS office, you can now schedule an appointment through our Internet-based system. To access the system, visit our website. Use the **InfoPass** appointment scheduler and follow the screen prompts to set up your appointment. **InfoPass** generates an electronic appointment notice that appears on the screen.

Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with this Form I-360, we will deny Form I-360 and may deny any other immigration benefit.

In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.

Privacy Act Notice

We ask for the information on this form, and associated evidence, to determine if you have established eligibility for the immigration benefit for which you are filing. Our legal right to ask for this information can be found in the Immigration and Nationality Act, as amended. We may provide this information to other government agencies. Failure to provide this information, and any requested evidence, may delay a final decision or result in denial of your Form I-360.

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 OMB control number. The public reporting burden for this collection of information is estimated at 2 hours per response, including the time for reviewing instructions, completing and submitting the form. 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, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529. OMB No. 1615-0020. **Do not mail your application to this address.**

OMB No. 1615-0020; Expires 10/31/08

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

I-360, Petition for Amerasian, Widow(er), or Special Immigrant

START HERE - Please type or print in black ink

Part 1. Information about person or organization filing this petition.

(Individuals should use the top name line; organizations should use the second line.) If you are a self-petitioning spouse or child and do not want USCIS to send notices about this petition to your home, you may show an alternate mailing address here. If you are filing for yourself and do not want to use an alternate mailing address, skip to Part 2.

Family Name	Given Name	Middle Name

Company or Organization Name

Address - C/O

Street Number and Name		Apt. #
City	State or Province	
Country		Zip/Postal Code
U.S. Social Security #	A#	IRS Tax # *(if any)*

Part 2. Classification Requested (check one):

- **a.** ☐ Amerasian
- **b.** ☐ Widow(er) of a U.S. citizen who died within the past two (2) years
- **c.** ☐ Special Immigrant Juvenile
- **d.** ☐ Special Immigrant Religious Worker
- **e.** ☐ Special Immigrant based on employment with the Panama Canal Company, Canal Zone Government or U.S. Government in the Canal Zone
- **f.** ☐ Special Immigrant Physician
- **g.** ☐ Special Immigrant International Organization Employee or family member
- **h.** ☐ Special Immigrant Armed Forces Member
- **i.** ☐ Self-Petitioning Spouse of Abusive U.S. Citizen or Lawful Permanent Resident
- **j.** ☐ Self-Petitioning Child of Abusive U.S. Citizen or Lawful Permanent Resident
- **k.** ☐ Other, explain: _____

Part 3. Information about the person this petition is for

Family Name	Given Name	Middle Name

Address - C/O

Street Number and Name		Apt. #
City	State or Province	
Country		Zip/Postal Code
Date of Birth *(mm/dd/yyyy)*	Country of Birth	
U.S. Social Security #	A # *(if any)*	

Marital Status: ☐ Single ☐ Married ☐ Divorced ☐ Widowed

Complete the items below if this person is in the United States:

Date of Arrival *(mm/dd/yyyy)*	I-94#
Current Nonimmigrant Status	Expires on *(mm/dd/yyyy)*

For USCIS Use Only

Returned	Receipt
Resubmitted	
Reloc Sent	
Reloc Rec'd	
☐ Petitioner/ Applicant ☐ Interviewed Beneficiary Interviewed	
☐ I-485 Filed Concurrently ☐ Bene "A" File Reviewed	
Classification	
Consulate	
Priority Date	
Remarks:	
Action Block	
To Be Completed by ☐ ***Attorney or Representative,* if any** Fill in box if G-28 is attached to represent the applicant	
VOLAG#	
ATTY State License #	

Part 4. Processing Information

Below give information on U.S. consulate you want notified if this petition is approved and if any requested adjustment of status cannot be granted.

American Consulate: City	Country

If you gave a United States address in **Part 3**, print the person's foreign address below. If his or her native alphabet does not use Roman letters, print his or her name and foreign address in the native alphabet.

Name	Address

Gender of the person this petition is for ☐ Male ☐ Female

Are you filing any other petitions or applications with this one? ☐ No ☐ Yes (How many? _____)

Is the person this petition is for in deportation or removal proceedings? ☐ No ☐ Yes (Explain on a separate sheet of paper)

Has the person this petition is for ever worked in the U.S. without permission? ☐ No ☐ Yes (Explain on a separate sheet of paper)

Is an application for adjustment of status attached to this petition? ☐ No ☐ Yes

Part 5. Complete only if filing for an Amerasian

Section A. Information about the mother of the Amerasian

Family Name	Given Name	Middle Name

Living? ☐ No (Give date of death _____) ☐ Yes (complete address line below) ☐ Unknown (attach a full explanation)

Address

Section B. Information about the father of the Amerasian: If possible, attach a notarized statement from the father regarding parentage. Explain on separate paper any question you cannot fully answer in the space provided on this form.

Family Name	Given Name	Middle Name

Date of Birth *(mm/dd/yyyy)*	Country of Birth

Living? ☐ No (Give date of death _____) ☐ Yes (complete address line below) ☐ Unknown (attach a full explanation)

Home Address

Home Phone # ( )	Work Phone # ( )

At the time the Amerasian was conceived:

The father was in the military (indicate branch of service below and give service number here): _____

☐ Army ☐ Air Force ☐ Navy ☐ Marine Corps ☐ Coast Guard

☐ The father was a civilian employed abroad. Attach a list of names and addresses of organizations which employed him at that time.

☐ The father was not in the military, and was not a civilian employed abroad. (Attach a full explanation of the circumstances.)

Part 6. Complete only if filing for a Special Immigrant Juvenile Court Dependent

Section A. Information about the Juvenile

List any other names used.

Answer the following questions regarding the person this petition is for. If you answer "No," explain on a separate sheet of paper.

Is he or she still dependent upon the juvenile court or still legally committed to or under the custody of an agency or department of a state? ☐ No ☐ Yes

Does he or she continue to be eligible for long-term foster care? ☐ No ☐ Yes

Part 7. Complete only if filing as a Widow/Widower, a Self-petitioning Spouse of an Abuser, or as a Self-petitioning Child of an Abuser

Section A. Information about the U.S. citizen husband or wife who died or about the U.S. citizen or lawful permanent resident abuser

Family Name	Given Name	Middle Name

Date of Birth *(mm/dd/yyyy)*	Country of Birth	Date of Death *(mm/dd/yyyy)*

He or she is now, or was at time of death a (check one):

- ☐ U.S. citizen born in the United States.
- ☐ U.S. citizen born abroad to U.S. citizen parents.
- ☐ U.S. citizen through naturalization *(Show A #)* _____
- ☐ U.S. lawful permanent resident (Show A #) _____
- ☐ Other, explain _____

Section B. Additional Information about you.

How many times have you been married?	How many times was the person in Section A married?	Give the date and place where you and the person in Section A were married. *(If you are a self-petitioning child, write: "N/A")*

When did you live with the person named in **Section A**? From *(Month/Year)* _____ until *(Month/Year)* _____

If you are filing as a widow/widower, were you legally separated at the time of the U.S citizens's death? ☐ No ☐ Yes, *(attach explanation)*.

Give the last address at which you lived together with the person named in **Section A**, and show the last date that you lived together with that person at that address:

If you are filing as a self-petitioning spouse, have any of your children filed separate self-petitions? ☐ No ☐ Yes *(show child(ren)'s full names)*:

Part 8. Information about the spouse and children of the person this petition is for

A widow/widower or a self-petitioning spouse of an abusive citizen or lawful permanent resident should also list the children of the deceased spouse or of the abuser.

A. Family Name	Given Name	Middle Name	Date of Birth *(mm/dd/yyyy)*
Country of Birth	Relationship ☐ Spouse ☐ Child		A #
B. Family Name	Given Name	Middle Name	Date of Birth *(mm/dd/yyyy)*
Country of Birth	Relationship ☐ Child		A #
C. Family Name	Given Name	Middle Name	Date of Birth *(mm/dd/yyyy)*
Country of Birth	Relationship ☐ Child		A #
D. Family Name	Given Name	Middle Name	Date of Birth *(mm/dd/yyyy)*
Country of Birth	Relationship ☐ Child		A #
E. Family Name	Given Name	Middle Name	Date of Birth *(mm/dd/yyyy)*
Country of Birth	Relationship ☐ Child		A #

Part 8. Information about the spouse and children of the person this petition is for (Continued)

F. Family Name	Given Name	Middle Name	Date of Birth *(mm/dd/yyyy)*
Country of Birth	Relationship ☐ Child		A #
G. Family Name	Given Name	Middle Name	Date of Birth *(mm/dd/yyyy)*
Country of Birth	Relationship ☐ Child		A #
H. Family Name	Given Name	Middle Name	Date of Birth *(mm/dd/yyyy)*
Country of Birth	Relationship ☐ Child		A #

Part 9. Signature

Read the information on penalties in the instructions before completing this part. If you are going to file this petition at a USCIS office in the United States, sign below. If you are going to file it at a U.S. consulate or USCIS office overseas, sign in front of a USCIS or consular official.

I certify, or, if outside the United States, I swear or affirm, under penalty of perjury under the laws of the United States of America, that this petition and the evidence submitted with it is all true and correct. If filing this on behalf at an organization, I certify that I am empowered to do so by that organization. I authorize the release of any information from my records, or from the petitioning organization's records, that U.S. Citizenship and Immigration Services needs to determine eligibility for the benefit being sought.

Signature		Date
Signature of USCIS or Consular Official	Print Name	Date

NOTE: If you do not completely fill out this petition or fail to submit required documents listed in the instructions, the person(s) filed for may not be found eligible for a requested benefit and the petition may be denied.

Part 10. Signature of person preparing form, if other than above (Sign below)

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

Signature	Print Your Name	Date

Firm Name
and Address

OMB No. 1615-0033; Expires 08/31/09

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

I-693, Report of Medical Examination and Vaccination Record

START HERE - Please type or print in CAPITAL letters (*Use black ink*)

Part 1. Information about you *(The person requesting a medical examination or vaccinations must complete this part)*

Family Name (Last Name) | Given Name (First Name) | Full Middle Name

Home Address: Street Number and Name | Apt. Number | Gender: ☐ Male ☐ Female

City | State | Zip Code | Phone # *(Include Area Code) no dashes or ()*

Date of Birth *(mm/dd/yyyy)* | Place of Birth *(City/Town/Village)* | Country of Birth | A-number *(if any)* | U.S. Social Security # *(if any)*

Applicant's Certification

I certify under penalty of perjury under United States law that I am the person who is identified in **Part 1** of this Form I-693, Report of Medical Examination and Vaccination Record, and that the information in **Part 1** of this form is true to the best of my knowledge. I understand the purpose of this medical exam, and I authorize the required tests and procedures to be completed. If it is determined that I willfully misrepresented a material fact or provided false/altered information or documents with regard to my medical exam, I understand that any immigration benefit I derived from this medical exam may be revoked, that I may be removed from the United States, and that I may be subject to civil or criminal penalties.

Signature - Do not sign or date this form until instructed to do so by the civil surgeon | **Date** *(mm/dd/yyyy)*

Part 2. Medical examination *(The civil surgeon completes this part)*

1. Examination

Date of First Examination

Date(s) of Follow-up Examination(s) if Required:
Date of Exam | Date of Exam | Date of Exam

Summary of Overall Findings:
☐ No Class A or Class B Condition ☐ Class A Conditions (see **2** through **5** below) ☐ Class B Conditions (see **2** through **6** below)

2. Communicable Diseases of Public Health Significance

A. Tuberculosis (TB)

☐ Tuberculin Skin Test (TST) (Required for applicants 2 years of age and older: for children under 2 years of age, see pp. 11-12 of Technical Instructions at **http://www.cdc.gov/ncidod/dq/civil.htm.**)

Date TST Applied | Date TST Read | Size of Reaction *(mm)*

☐ Chest X-Ray - Required **ONLY** for TST reactions of ≥ 5mm or if specific TST exception criteria met, or for an applicant with TB symptoms or immunosuppression (e.g., HIV). **Attach copy of X-Ray Report.**

Date Chest X-Ray Taken | Date Chest X-Ray Read | Results ☐ Normal ☐ Abnormal (Describe results in remarks.)

Findings:
☐ No Class A or Class B TB ☐ Class B1 Pulmonary TB ☐ Class B2 Pulmonary TB ☐ Class B, Other Chest Condition (non-TB)
☐ Class A Pulmonary TB Disease ☐ Class B1 Extra Pulmonary TB ☐ Class B, Latent TB Infection

Remarks: (Include any signs or symptoms of TB, additional tests, and therapy given, with stop and start dates and any changes.)

Part 2. Medical Examination *(Continued)*

B. Syphilis

☐ Serologic Test for Syphilis (Required for applicants 15 years and older)

Date Screening Run

If Reactive, Date Confirmation Run

☐ Screening Nonreactive
☐ Screening Reactive, Titer 1:
☐ Confirmation Nonreactive
☐ Confirmation Reactive

Findings:

☐ No Class A or Class B Syphilis
☐ Syphilis, Class A (untreated)
☐ Syphilis, Class B (with residual deficit, treated in the past year)

Remarks: (Include any therapy given with doses and dates.)

C. HIV/AIDS

☐ Serologic Test for HIV Antibody (Required for applicants 15 years and older)

Date Screening Run

☐ Screening Negative
☐ Screening Positive
☐ Screening Indeterminate

If Positive or Indeterminate, Date Confirmation Run

☐ Confirmation Negative
☐ Confirmation Positive

Findings:

☐ No Class A HIV
☐ HIV, Class A

Remarks: (Include any signs or symptoms of HIV infection, therapy given, and any counseling, or referrals.)

D. Other Class A/Class B Conditions for Communicable Diseases of Public Health Significance

Findings:

☐ Chancroid, Class A
☐ Gonorrhea, Class A
☐ Hansen's Disease (Leprosy, Infectious), Class A
☐ Granuloma Inguinale, Class A
☐ Lymphogranuloma Venereum, Class A
☐ Hansen's Disease (Leprosy, Noninfectious), Class B

Remarks: (Include any therapy given and any counseling, or referrals.)

3.Phys ical or Mental Disorders With Associated Harmful Behavior

☐ Physical/Mental Disorder, With Associated Harmful Behavior, Class A
☐ Physical/Mental Disorder, Without Associated Harmful Behavior, Class B

Remarks: (Include diagnosis, with likelihood of harmful behavior to recur, therapy given, and any counseling, or referrals.)

4. Drug Abuse/Drug Addiction

☐ Substance (Drug) Use, Listed in Section 202 of Controlled Substance Act, Class A
☐ Substance (Drug) Use, Not Listed in Section 202 of Controlled Substance Act, But With Associated Harmful Behavior, Class A
☐ Prior Substance (Drug) Use in Remission, Class B

Remarks: (Include any therapy given, rehabilitation, counseling, or referrals.)

Part 2. Medical examination *(Continued)*

5. Vaccinations (See Technical Instructions at **http://www.cdc.gov/ncidod/dq/civil.htm** for list of required vaccines.)

Vaccine History Transferred From a Written Record				Vaccine Given	Completed Series	Waiver(s) to Be Requested From USCIS			
						Blanket			
						Not Medically Appropriate			
Vaccine	Date Received mm/dd/yyyy	Date Received mm/dd/yyyy	Date Received mm/dd/yyyy	Date Given by Civil Surgeon mm/dd/yyyy	Mark an X if completed; write date of lab test if immune or "VH" if varicella history	Not Age Appropriate	Contra-indication	Insufficient Time Interval	Not Flu Season
Specify Vaccine: DT ☐ DTP ☐ DTaP ☐									
Specify Vaccine: Td ☐ Tdap ☐									
Specify Vaccine: OPV ☐ IPV ☐									
MMR (Measles Mumps-Rubella) or if monovalent or other combination of the vaccines are given, specify vaccine(s):									
Hib									
Hepatitis B									
Varicella									
Pneumococcal									
Influenza									
Other Vaccine (specify below):									
Other Vaccine (specify below):									
Other Vaccine (specify below):									
Other Vaccine (specify below):									
Other Vaccine (specify below):									

Give Copy to Applicant

Results:
- ☐ Applicant may be eligible for blanket waiver(s) as indicated above.
- ☐ Applicant will request an individual waiver based on religious or moral convictions.
- ☐ Vaccine history complete for each vaccine, all requirements met.
- ☐ Applicant does not meet immunization requirements.

A-number *(if any)*

Name *(Type or print your name)*

Part 2. Medical examination *(Continued)*

6. List other medical conditions, Class B other (e.g. hypertension, diabetes)

Part 3. Referral to health department or other doctor/facility *(To be completed by Civil Surgeon, if referral was made)*

Type or Print Name of Doctor or Health Department

Date of Referral *(mm/dd/yyyy)*

Address: (Street Number and Name, City, State and Zip Code)

Daytime Phone # *(Include Area Code) no dashes or ( )*

Remarks: (Include name of medical condition and reasons for referral.)

Part 4. To Be Completed by Physician or Health Department Performing Referral Evaluation

The applicant identified on this form was referred to me by the civil surgeon named in **Part 5** of this form. I have provided appropriate evaluation/treatment.

Type or Print Full Name of Evaluating Physician or Health Department

Signature

Address: (Street Number and Name, City, State and Zip Code)

Date *(mm/dd/yyyy)*

Name of Medical Practice or Health Department

Daytime Phone # *(Include Area Code) no dashes or ( )*

Remarks: (Attach a separate sheet of paper, if needed.)

Part 5. Civil Surgeon's Certification *(Do not sign form or have the applicant sign in Part 1 until all health follow-up requirements have been met.)*

I certify under penalty of perjury under United States law that: I am a civil surgeon in current status designated to examine applicants seeking certain immigration benefits in the United States; I have a currently valid and unrestricted license to practice medicine in the state where I am performing medical examinations; I performed this examination of the person identified in **Part 1** of this Form I-693, after having made every reasonable effort to verify that person whom I examined is the person identified in **Part 1**; that I performed the examination in accordance with the Centers for Disease Control and Prevention's *Technical Instructions*, and all supplemental information or updates provided to me; and that all information provided by me on this form is true and correct to the best of my information, knowledge, and belief.

Type or Print Full Name *(First, Middle, Last)*

Signature

Address (Street Number and Name, City, State and Zip Code)

Date *(mm/dd/yyyy)*

Name of Medical Practice or Health Department

Daytime Phone # *(Include Area Code) no dashes or ( )*

E-Mail Address

Part 6. Health department identifying information. *(If completed by State or local health department on behalf of a refugee, place a stamp or seal where indicated.)*

Type or Print Name

(Place State or local health department stamp/seal below.)

Signature

Date *(mm/dd/yyyy)*

Daytime Phone # *(Include Area Code) no dashes or ( )*

MARITAL STATUS DOCUMENTS

The following are examples of documents that are useful to prove that a marriage is a valid one for immigration purposes:

- Lease or rent showing both of your names
- Bills (telephone, gas, electric, store, medical, credit cards, etc.) in either or both names with your address
- Joint tax returns
- Car insurance policy
- Health insurance policy with a family plan
- Life insurance policy for either of you with the other listed as the beneficiary
- Employment record or job application if your spouse's name appears on it
- Medical records for either of you which lists your spouse
- Receipt for purchases showing either or both names and address
- Credit arrangement in both of your names
- Bank loan in both of your names
- Joint checking account
- Any mail addressed to either of you at your present address
- Any papers or documents with either of your names or both names at your present address
- Photographs of the two of you together
- Proof of trips taken together (travel itineraries, tickets, car rentals, hotel rooms, etc.)
- Other, as applicable

Please collect at least 5 documents on this list. You are not required to submit every document listed. Originals are not necessary for filing purposes however we advise that you keep them handy.

SAMPLE TEXT FOR BANK LETTERS

[printed on Official Letterhead]

[date]

To Whom It May Concern:

This is to confirm that [name and name] have the following [checking and/or savings] accounts with [name of bank]: [list account numbers].

The accounts were opened on [date] and the current balances are [balances].

OR: The account was opened on [date] and the current balance is [balance].

Sincerely,

[signature]

[name of bank official]
[title of bank official]

[PLEASE PRINT ON COMPANY LETTERHEAD]

[date]

To Whom It May Concern:

This is to confirm that [name] is employed by [name of company] as a [job title]. His/Her annual salary is/will be $AMOUNT. [IF PAID HOURLY, LIST WAGE PER HOUR AND NUMBER OF HOURS WORKED PER WEEK.] Prospects for his/her continued employment are excellent.

Please feel free to contact me should you require any additional information.

Sincerely,

[signature]

[name of company official]
[Title]

AFFIDAVIT IN LIEU OF BIRTH CERTIFICATE

I do hereby solemnly affirm and declare that:

1. My full, true and correct name is [specify]. I was born on [date], in [city, country]. I currently reside at [full address].

2. I am the [specify relationship, i.e. mother/father/brother/sister/aunt/uncle] of [name], [male/female], born in [city, country] on [date]. His/her mother's name is [full name] and father's name is [full name].

PICK ONE OF THE FOLLOWING THAT APPLIES TO YOUR CASE:

3. The birth of [name], was not registered with the [Registry Office/Records Office] of [city], and therefore a birth certificate is not available at this time

OR The birth of [name] was registered with the [Registry Office/Records Office] of [city]. However, the name of [name] was not listed on the birth certificate at the time of registration.

OR The birth of [name] was registered with the [Registry Office/Records Office] of [city]. However, the birth certificate is not available at this time because of the [civil unrest/war] in [country].

OR The birth of [name] was registered with the [Registry Office/Records Office] of [city]. However, the proper name order is as follows: [FIRST/MIDDLE/LAST].

The facts stated above are true and correct to the best of my knowledge and belief.

SIGNATURE

[Name]

[Date]

PLEASE NOTE:

- **This affidavit must be signed before a Notary Public.**
- **You must submit two Affidavits written by two different people.**
- ***If your birth was registered, you must obtain the birth certificate.***
- **Individuals born after 1969 should be able to obtain birth certificates.**
- **Statements from your Embassy will not accepted as proof of your birth.**

SEYFARTH ATTORNEYS SHAW LLP

NATURALIZATION/CITIZENSHIP THROUGH MILITARY SERVICE

I. Introduction

Members of the U.S. Armed Forces who wish to become U.S. citizens may be eligible to apply for citizenship under special provisions provided for in the Immigration and Nationality Act (INA). Recent changes to Sections 328 and 329 of the INA make it easier for qualified military personnel to file an application to become a naturalized U.S. citizen.

Service in the U.S. Armed Forces means service in any of the following branches:

- Army
- Navy
- Marine Corps
- Air Force
- Coast Guard
- Certain Reserve components of the National Guard
- Selected Reserve of the Ready Reserve

The U.S. Citizenship & Immigration Service (USCIS) has created a streamlined process specifically for military personnel who are currently serving in active-duty status or who have been recently discharged.

II. Benefits of Naturalization

A. The Right to Vote

U.S. citizens have the right to vote in elections and participate in the American democracy, thus granting the privilege to participate in government by electing those who run the country and create the laws.

B. U.S. Passport and Travel

A U.S. citizen has the right to obtain an American passport, which makes travel easier as many countries have treaties with the United States that allow U.S. citizens to enter without a visa.

C. Residency

Becoming a permanent resident does not guarantee the right to remain in the United States. U.S. citizens are free to travel in and out of the U.S. at any time and for as long as they desire, whereas permanent residents can be found to have abandoned their permanent residence if they leave the country for an extended period of time.

D. Avoid Removal or Deportation

Generally, permanent residents can remain in this country indefinitely unless they have violated a condition of their permanent residency. A person usually is in jeopardy of removal or deportation from the United States if he/she has engaged in illegal activity. Permanent residents remain subject to the jurisdiction of the USCIS and can be removed for criminal activity. A permanent resident who is convicted of a crime must not only defend himself or herself in criminal court but has to contend with immigration officials in Immigration Court as well.

E. Immigration for Family Members

U.S. citizens are given priority when petitioning for family members to come to the United States and can petition for their spouses, children, and parents and siblings. Permanent residents can only petition for their spouses or unmarried children. In addition, petitioning U.S. citizens can avoid some of the extended delays usually encountered in obtaining visas for family members, as immediate relatives of U.S. citizens (parents, spouses and unmarried children under the age of 21) do not have to wait for an immigrant visa number to become available (there is no limit to the number of visas issued each year to immediate relatives).

F. Employment

Certain types of jobs require U.S. citizenship, especially if they are with agencies of the federal government.

G. Government Benefits

Certain public benefits are afforded to U.S. citizens only and permanent residents are restricted from access to such benefits. By becoming a citizen, one can ensure that he can avail himself of all of the government benefits in the United States.

H. Taxation Benefits

U.S. citizens and permanent residents are not always treated the same for tax purposes. This is particularly true for estate taxes; U.S. citizens receive higher estate tax exemptions.

III. General Requirements/Qualifications

All applicants for naturalization based on military service must:

- Demonstrate that they have good moral character
- Demonstrate knowledge of the English language
- Demonstrate knowledge of U.S. government and history
- Demonstrate attachment to the United States by taking an oath of allegiance to the U.S. Constitution.

Members of the military are exempt from some of the standard naturalization requirements, such as the residency requirement and the requirements related to physical presence in the United States. These exceptions are outlined in Sections 328 and 329 of the INA.

IV. Applying for U.S. Citizenship Based on Military Service During Time of War

Any immigrant who serves in active duty status in the U.S. Armed Forces during a time of war, such as we are in currently, can apply for expedited naturalization ***whether he/she is "documented" or "undocumented."*** This means that individuals who entered the U.S. "illegally" (without inspection) are eligible to become U.S. citizens immediately upon enlisting. Immigrants who enlist during a time of war and meet the general requirements above can apply for naturalization after only one day of service; however, immigrants who apply for naturalization in this manner must not only serve in active duty status but also honorably complete their term of service. If they do not honorably complete their term of service, they will lose their citizenship.

Also, immigrants applying for naturalization pursuant to their active duty status during wartime are exempt from the requirement that they not be subject to a final order of removal (deportation).

In addition to the current conflicts which comprise Operation Enduring Freedom, veterans who served honorably during any of the following periods of conflict are also entitled to apply for naturalization with the same considerations:

- World War I - 4/16/17 to 11/11/18;
- World War II - 9/1/39 to 12/31/46;
- Korean Conflict - 6/25/50 to 7/1/55;
- Vietnam Conflict - 2/28/61 to 10/15/78;
- Operation Desert Shield/Desert Storm - 8/29/90 to 4/11/91
- Operation Enduring Freedom – 9/11/01 to (open); or
- Any other period which the President, by Executive Order, has designated as a period in which the Armed Forces of the United States are or were engaged in military operations involving armed conflict with hostile foreign forces.

This is the only section of the INA that allows persons who have not been lawfully admitted for permanent residence to file their own application for naturalization. Any person who has served honorably during a qualifying time may file an application at any time in his or her life if, at the time of enlistment, reenlistment, extension of enlistment or induction, such person shall have been in the United States, the Canal Zone, American Samoa, or Swains Island, or on board a public vessel owned or operated by the United States for noncommercial service, whether or not he has been lawfully admitted to the United States for permanent residence.

Applicants who have served honorably during any of the aforementioned conflicts may apply for naturalization based on military service, and no period of residence or specified period of physical presence within the United States or any State shall be required. See also INA 328, INA 329.

V. Applying for U.S. Citizenship Based on Military Service During Peacetime

Immigrants may also apply for expedited naturalization through military service during peacetime. To apply in this manner, the immigrant must again meet the general requirements above and must be a permanent resident at the time of filing. However, there is no requirement that the immigrant meet a minimum period of either continuous residence or physical presence in the United States to apply. In addition, immigrants who apply pursuant to their military service can do so even if they are subject to a final order of removal (deportation).

To apply for naturalization based on military service during peacetime, the immigrant must have served for at least one year and must either apply for citizenship while still serving (in which case he/she must show current honorable service) or apply within six months of leaving the service (in which case he/she must show that s/he was honorably discharged).

VI. Civilian Applicants

Individuals who are not in the military and who do not qualify for special treatment as the spouse of an individual being deployed must meet strict residency and physical presence requirements.

The applicant must be at least 18 years old and must have been lawfully admitted to the U.S. for permanent residence, either for five years or, if the individual is the spouse of a U.S. citizen, for three years. During that period, the individual must generally not have left the U.S. for a continuous period in excess of one year. The applicant must also have been physically present in the U.S. for at least half of the 5 or 3 year period (whichever is applicable).

The applicant must

- Demonstrate that he or she has good moral character
- Demonstrate knowledge of the English language
- Demonstrate knowledge of U.S. government and history
- Demonstrate attachment to the United States by taking an oath of allegiance to the U.S. Constitution

VII. Naturalization of Widow/er of a United States Citizen

The surviving spouse of a United States citizen who died while serving honorably on active duty status may apply for naturalization. The spouse and the United States citizen service member must have been married at the time of the service member's death.

A surviving spouse must meet the other requirements for naturalization, including showing good moral character, swearing his or her allegiance to the United States and its Constitution, and passing the English and civics examination. However, there is no requirement of a minimum period of residency in the United States.

VIII. Posthumous Naturalization Through Active-Duty Service

Section 329A of the INA provides for grants of posthumous citizenship to certain members of the U.S. Armed Forces. Other provisions of law extend benefits to surviving spouses, children, and parents.

A member of the U.S. Armed Forces who serves honorably during a designated period of hostilities and dies as a result of injury or disease incurred in, or aggravated by, that service (including death in combat) may receive posthumous citizenship. The service member's next of kin, the Secretary of Defense, or the Secretary's designee in the USCIS must make this request for posthumous citizenship within two years of the service member's death.

For other immigration purposes, a surviving spouse (unless he or she remarries), child, or parent of a member of the U.S. Armed Forces who served honorably on active duty, died as a result of combat, and was a citizen at the time of death (including a posthumous grant of citizenship) is considered an immediate relative for two years after the service member dies and may file a petition for classification as an immediate relative during such period. A surviving parent may file a petition even if the deceased service member had not reached age 21.

In addition, under section 319(d) of the INA, a spouse, child, or parent of a U.S. citizen who dies while serving honorably in active duty status in the U.S. Armed Forces can file for naturalization if the family member meets naturalization requirements other than residency and physical presence.

IX. Spouses of U.S. Citizens Deployed Abroad

A spouse of a U.S. citizen, whether military or civilian, who is assigned overseas by the U.S. government may qualify for expeditious processing of an application for naturalization. Lawful permanent resident status is still required; but all residency and physical presence requirements are waived. The overseas assignment must be expected to last for one year or more from the date that the spouse takes the oath of naturalization. Marital unity is a requirement.

This expedited naturalization for spouses of U.S. citizens working abroad is a tremendous opportunity as it provides the full protection of the U.S. government to the spouses of U.S. citizens and is available immediately after admission as a lawful permanent resident.

In order to apply, in addition to filing Form N-400, the spouse should obtain a completed Form DD1278 "Certificate of Overseas Assignment to Support Application to File for Petition for Naturalization" from his or her spouse's command if concurrent travel is authorized. If concurrent travel is not authorized, then the spouse must provide a copy of the orders, paid airline ticket to the overseas duty station, and a letter from the commanding officer stating that the military will permit the alien spouse to accompany the member at his or her own expense.

Every service member should be advised of the advantages of applying for expeditious naturalization for his or her LPR spouse. The expeditious naturalization option for a spouse is

not available once the overseas tour is over. An alien spouse is eligible for expeditious naturalization even if he/she is a conditional resident.

In addition, even if the citizen spouse is stationed in an area where hostilities are in progress and where official government policy precludes residence of dependents of servicemen, expeditious naturalization is still authorized, as the petitioner's inability to join the citizen spouse is not by choice but is caused by official restrictions. Therefore, naturalization can also be granted to an applicant who plans to reside in a foreign country while awaiting the opportunity to join the citizen spouse. It is immaterial in such cases whether the petitioner's temporary trip abroad is near the place of the spouse's employment or service, or whether occasional visitation is contemplated. However, the alien cannot comply with the special statute if they elect to remain in the United States during the period of enforced separation. Moreover, this benefit is likewise deemed to be unavailable if there are no official residence restrictions and the unwillingness to join the citizen spouse is thus attributable to choice rather than compliance with the law. The applicant does not have to reside within the jurisdiction of the district office where naturalization is sought, and the naturalization application thus can be filed in any district.

X. Dual Nationality

The concept of dual nationality means that a person is a citizen of two countries at the same time. Each country has its own citizenship laws based on its own policy. A U.S. citizen may acquire foreign citizenship by marriage and retain his or her U.S. citizenship, and a person naturalized as a U.S. citizen may be able to maintain his or her foreign citizenship; both situations result in dual nationality.

U.S. law does not officially recognize dual nationality or require a person to choose one citizenship or another. At the same time, a person who is automatically granted another citizenship does not risk losing U.S. citizenship. In order to lose U.S. citizenship, the law requires that the person must apply for the foreign citizenship voluntarily, by free choice, and with the intention to give up U.S. citizenship. Information on losing foreign citizenship can be obtained from the foreign country's embassy and consulates in the United States.

XI. Possible Pitfalls of Applying for Naturalization

Deciding whether to file an application for naturalization may not as simple as it appears. Mere statutory eligibility does not ensure that the USCIS will grant the application. The USCIS can deny the application or, even worse, place an applicant under removal proceedings based on facts that may come out during the application process. Other problems that can surface during the naturalization process include issues related to criminal convictions, criminal actions, taxes, abandonment of residency, divorces, support of dependents, Selective Service and fraud.

XII. How to Apply

Forms to complete and submit:

- N-400, Application for Naturalization
- N-426, Request for Certification of Military or Naval Service (This form requires certification by the military prior to submission to USCIS)
- G-325B, Biographic Information

Every military installation should have a designated point-of-contact to help with the preparation of the application and to certify the Request for Certification of Military or Naval Service (N-426). Applicants should inquire through their chain of command to find out who the responsible person is at a particular location. This person should be able to help with the preparation of the application packet.

Once complete, the military point-of-contact will send the application package, which will include Forms N-400, G-325B, and certified N-426, to the following address for processing:

Nebraska Service Center
PO Box 87426
Lincoln, NE 68501-7426

The Service Center will review the application and perform the necessary security checks. Then USCIS will send it to the district office closest to the applicant's home location. If an applicant has a preference as to where he or she would like to be interviewed, he or she can provide that information in a cover letter attached to the naturalization packet. The district office will set a date to interview the applicant and test his or her knowledge of English and Civics. If granted, USCIS will inform the applicant of the date he or she can take the oath of allegiance.

Office of Communications

U.S. Citizenship and Immigration Services

Fact Sheet

Updated: April 14, 2008

NATURALIZATION THROUGH MILITARY SERVICE

Members and certain veterans of the U.S. Armed Forces are eligible to apply for United States citizenship under special provisions of the *Immigration and Nationality Act (INA)*. In addition, U.S. Citizenship and Immigration Services (USCIS) has streamlined the application and naturalization process for military personnel and those who recently discharged. Generally, qualifying service is in one of the following branches: Army, Navy, Air Force, Marine Corps, Coast Guard, certain reserve components of the National Guard and the Selected Reserve of the Ready Reserve.

Qualifications

A member of the U.S. Armed Forces must meet certain requirements and qualifications to become a citizen of the United States. This includes demonstrating:

- Good moral character;
- Knowledge of the English language;
- Knowledge of U.S. government and history (civics); and
- Attachment to the United States by taking an *Oath of Allegiance* to the *U.S. Constitution.*

Qualified members of the U.S. Armed Forces are exempt from other naturalization requirements, including residency and physical presence in the United States. These exceptions are listed in Sections 328 and 329 of the Immigration and Nationality Act.

All aspects of the naturalization process, including applications, interviews and ceremonies are available overseas to members of the U.S. Armed Forces.

An individual who obtains U.S. citizenship through his or her military service and separates from the military under "other than honorable conditions" before completing five years of honorable service may have his or her citizenship revoked.

Service in Peacetime

Section 328 of the Immigration and Nationality Act applies to all members of the U.S. Armed Forces or those already discharged from service. An individual may qualify for naturalization if he or she has:

- Served honorably for at least one year.
- Obtained lawful permanent resident status.
- Filed an application while still in the service or within six months of separation.

Service in Wartime

All immigrants who have served honorably on active duty in the U.S. Armed Forces or as a member of the Selected Ready Reserve on or after September 11, 2001 are eligible to file for immediate citizenship under the special wartime provisions in Section 329 of the Immigration and Nationality Act. This section also covers veterans of designated past wars and conflicts.

How to Apply

Every military installation has a designated point-of-contact to assist with filing the military naturalization application packet. Once complete, the package is sent to the USCIS Nebraska Service Center for expedited processing. That package will include:

- Application for Naturalization (USCIS Form N-400) (Members of the military are not charged a fee to file the Form N-400.)
- Request for Certification of Military or Naval Service (USCIS Form N-426)
- Biographic Information (USCIS Form G-325B)

Posthumous Benefits

- Section 329A of the INA provides for grants of posthumous citizenship to certain members of the U.S. Armed Forces. Other provisions of law extend benefits to surviving spouses, children, and parents. A member of the U.S. Armed Forces who served honorably during a designated period of hostilities and dies as a result of injury or disease incurred in, or aggravated by, that service (including death in combat) may receive posthumous citizenship.
- The service member's next of kin, the Secretary of Defense, or the Secretary's designee in USCIS must make this request for posthumous citizenship within two years of the service member's death.
- Under section 319(d) of the INA, a spouse, child, or parent of a U.S. citizen, who dies while serving honorably in active-duty status in the U.S. Armed Forces, can file for naturalization if the family member meets naturalization requirements other than residency and physical presence.
- For other immigration purposes, a surviving spouse (unless he or she remarries), child, or parent of a member of the U.S. Armed Forces who served honorably on active duty and died as a result of combat, and was a citizen at the time of death (including a posthumous grant of citizenship) is considered an immediate relative for two years after the service members dies and may file a petition for classification as an immediate relative during such period. A surviving parent may file a petition even if the deceased service member had not reached age 21.

Statistics

- USCIS has naturalized more than 37,250 members of the U.S. Armed Forces since the beginning of the War on Terror. (September 2001)
- In October 2004, USCIS hosted the first overseas military naturalization ceremony since the Korean War. During this time and since, USCIS has naturalized more than 5,050 Soldiers, Sailors, Airmen and Marines during ceremonies in Afghanistan, Djibouti, Germany, Greece, Iceland, Iraq, Italy, Japan, Kenya, Kosovo, Kuwait, South Korea, Spain, the United Kingdom and in the Pacific aboard the USS Kitty Hawk.
- USCIS has granted posthumous citizenship to 111 members of the U.S. Armed Forces stemming from the War on Terror.
- Historically, the U.S. government has conducted overseas military naturalization ceremonies during times of war. During World War II, 20,011 service members were naturalized overseas. During the Korean War, 7,756 service members were naturalized overseas. Although authorized, no overseas military naturalization ceremonies were held during the Vietnam War.

– USCIS –

Green–card-holding spouses of U.S. citizens who are regularly stationed abroad may be naturalized without satisfying the normal time periods for physically residing in the United States. This expedited naturalization for spouses of U.S. citizens working abroad is a tremendous opportunity as it provides the full protection of the U.S. government to the spouses of U.S. citizens and is available immediately after admission as a lawful permanent resident. The following laws and regulations explain what documents you will need and how the process works.

EXPEDITIOUS NATURALIZATION FOR DEPENDENT SPOUSES (INA §319(b); 8 U.S.C. 1430(b); 8 C.F.R. § 319.2; DOD DIR 5500.14)

A spouse married to a United States citizen, whether military or civilian, who is assigned overseas by the United States government, may qualify for expeditious processing of an application for naturalization. Lawful permanent resident (LPR) status is still required; but all residency and physical presence requirements are waived. The overseas assignment must be one year or more after taking the oath of naturalization. Marital unity is still a requirement.

Procedure: Along with filing Form N-400, the spouse should obtain a completed Form DD 1278, "Certificate of Overseas Assignment to Support Application to File for Petition for Naturalization" from the member's command if concurrent travel is authorized. If concurrent travel is not authorized, then the spouse must provide a copy of the orders, paid airline ticket to the overseas duty station, and a letter from the commanding officer stating that the military will permit the alien spouse to accompany the member at his or her own expense. (Note: the DD Form 1278 is available at http://www.dtic.mil/whs/directives/infomgt/forms/eforms/dd1278.pdf)

Expeditious naturalization as an overseas PCS or deployment item. Every servicemember should be advised of the advantages of applying for expeditious naturalization for his or her "LPR" spouse. This should be a deployment or PCS checklist item for military families in which the non-military spouse is an "LPR". The expeditious naturalization option for spouses is not available once the overseas tour is over. An alien spouse is eligible for expeditious naturalization even if she is a conditional resident. 8 C.F.R. §216.1

Even if the citizen spouse is stationed in an area where hostilities are in progress, and in which official government policy precludes residence of dependents of serviceman expeditious naturalization is still authorized. Since the petitioner's inability to join the citizen spouse is not the result of volition, but is caused by official restrictions, naturalization can be granted to a petitioner who plans to reside in a foreign country while awaiting the opportunity to join the citizen spouse. It is immaterial in such cases whether the petitioner's temporary sojourn abroad is near the place of the spouse's employment or service, or whether occasional

visitation is contemplated. However the alien cannot comply with the special statute if they elect to remain in the United States during the period of enforced separation. Moreover, this benefit is likewise deemed to be unavailable if there are no official residence restrictions, and the unwillingness to joining the citizen spouse is thus attributable to choice rather than compliance.

The applicant does not have to reside within the jurisdiction of the district of the Service where naturalization is sought, and the naturalization application thus can be filed in any district of the Service. (INA §319(b) 8 USC §1430(b)

DEPARTMENT OF DEFENSE

CERTIFICATE OF OVERSEAS ASSIGNMENT TO SUPPORT APPLICATION TO FILE PETITION FOR NATURALIZATION

1. TO:	2. FROM: *(Agency, Command or Installation)*
Immigration and Naturalization Service Department of Justice	

3. CERTIFICATION

This is to certify that _____ of _____
SPONSOR'S NAME *(Last, First, Middle Initial)* ORGANIZATION

is, or is being, assigned to _____ on or about _____.
COUNTRY DATE *(YYYYMMDD)*

☐ _____ who is the dependent spouse of the above named sponsor has
NAME *(Last, First, Middle Initial)*
been authorized to accompany or join the sponsor overseas on or about _____ and will reside with the sponsor while abroad.
DATE *(YYYYMMDD)*

☐ _____ who is the adopted child of the above named sponsor has been
NAME *(Last, First, Middle Initial)*
authorized to accompany or join the sponsor overseas on or about _____ and will reside with the sponsor while abroad.
DATE *(YYYYMMDD)*

Accordingly, he or she is believed to come within the provisions of the Immigration and Nationality Act of 1952, as amended, which waive the residence requirements for alien spouses of adopted children of United States citizens who are regularly stationed abroad.

4. ISSUING OFFICIAL

a. TYPED NAME *(Last, First, Middle Initial)*	b. GRADE	c. TITLE	d. SIGNATURE	e. DATE SIGNED *(YYYYMMDD)*

OMB No. 1615-0052; Expires 10/31/08

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

Instructions for N-400, Application for Naturalization

Instructions

Please read these instructions carefully to properly complete this form. If you need more space to complete an answer, use a separate sheet(s) of paper. Write your name and Alien Registration Number (A #), if any, at the top of each sheet of paper and indicate the part and number of the item to which the answer refers.

What Is the Purpose of This Form?

Form N-400 is an application for U.S. citizenship (naturalization). For more information about the naturalization process and eligibility requirements, please read *A Guide to Naturalization* (M-476). If you do not already have a copy of the *Guide*, you can get a copy from:

1. The USCIS website **(www.uscis.gov)**;
2. The USCIS toll-free forms line at **I-800-870-3676**; or
3. The USCIS National Customer Service Center (NCSC) at **1-800-375-5283 (TTY:1-800-767-1833)**.

When Should I Use Form N-400?

You may apply for naturalization when you meet **all** the requirements to become a U.S. citizen. The section of the *Guide* called "Who is Eligible for Naturalization" and the Eligibility Worksheet found in the back of the *Guide* are tools to help you determine whether you are eligible to apply for naturalization. You should complete the Worksheet before filling out the Form N-400 application.

If you are applying based on five years as a Lawful Permanent Resident or based on three years as a Lawful Permanent Resident married to a U.S. citizen, you may apply for naturalization up to 90 days before you meet the "continuous residence" requirement. You must meet all other requirements at the time that you file your application with us.

Certain applicants have different English and civics testing requirements based on their age and length of lawful permanent residence **at the time of filing**. If you are over 50 years of age and have lived in the United States as a lawful permanent resident for periods totaling at least 20 years, or if you are over 55 years of age and have lived in the United States as a lawful permanent resident for periods totaling at least 15 years, you do not have to take the English test, but you have to take the civics test in the language of your choice.

If you are over 65 years of age and have lived in the United States as a lawful permanent resident for periods totaling at least 20 years, you do not have to take the English test, but you have to take a simpler version of the civics test in the language of your choice.

Who May File Form N-400?

To use this form you must be **ONE** of the following:

1. A Lawful Permanent Resident for at least five years and at least 18 years old;
2. A Lawful Permanent Resident for at least three years and at least 18 years old,

   AND

   You have been married to and living with the same U.S. citizen for the last three years,

   AND

   Your spouse has been a U.S. citizen for the last three years.
3. A member of one of several other groups eligible to apply for naturalization (for example, persons who are nationals but not citizens of the United States) and at least 18 years old. For more information about these groups, please see the *Guide*.
4. A person who has served honorably in the U.S. Armed Forces,

   AND

   If you are at least 18 years old, a Lawful Permanent Resident with at least one year of U.S. Armed Forces service, and you are filing your application for naturalization while still in the service or within six months after the termination of such service.

   OR

   You served honorably as a member of the Selected Reserve of the Ready Reserve or in active-duty status during a designated period of hostilities. You then may apply for naturalization without having been physically present in the United States for any specified period.

For more information, please go to the USCIS website at **www.uscis.gov**.

NOTE: If you are married to a U.S. citizen who is employed or deployed abroad, you may in some circumstances be eligible for expedited naturalization under section 319(b) of the Immigration and Nationality Act (INA). For further assistance, please please see the *Guide*.

Who May Not File This Form N-400?

In certain cases, a person who was born outside of the United States to U.S. citizen parents is already a citizen and does not need to apply for naturalization. To find out more information about this type of citizenship and whether you should file a Form N-600, "Application for Certificate of Citizenship," read the *Guide.*

Other permanent residents under 18 years of age may be eligible for U.S. citizenship if their U.S. citizen parent or parents file a Form N-600 application in their behalf. For more information, see "Frequently Asked Questions" in the *Guide.*

General Instructions.

Step 1. Fill Out Form N-400

1. Type or print legibly in black ink.
2. If extra space is needed to complete any item, attach a continuation sheet, indicate the item number, and date and sign each sheet.
3. Answer all questions fully and accurately. State that an item is not applicable with "N/A." If the answer is none, write "none."
4. **Write your USCIS (or former INS) "A"- number on the top right hand corner of each page.** Use your "A"- number on your Permanent Resident Card (formerly known as the Alien Registration or "Green" Card). To locate your "A"- number, see the sample Permanent Resident Cards in the *Guide.* The "A" number on your card consists of seven to nine numbers, depending on when your record was created. If the "A"- number on your card has fewer than nine numbers, place enough zeros before the first number to make a *total of nine numbers* on the application. For example, write card number A1234567 as A001234567, but write card number A12345678 as A012345678.
5. Answer all questions fully and accurately.

Step-by-Step Instructions.

This form is divided into 14 parts. The information below will help you fill out the form.

Part 1. Your Name ***(the Person Applying for Naturalization).***

A. **Your current legal name** - Your current legal name is the name on your birth certificate, unless it has been changed after birth by a legal action such as a marriage or court order.

B. **Your name exactly as it appears on your Permanent Resident Card** *(if different from above)*-- Write your name exactly as it appears on your card, even if it is misspelled.

C. **Other names you have used** - If you have used any other names in your life, write them in this section. If you need more space, use a separate sheet of paper.

D. If you have **never** used a different name, write "N/A" in the space for "Family Name *(Last Name)."*

E. **Name change** ***(optional)*** - A court can allow a change in your name when you are being naturalized. A name change does not become final until a court naturalizes you. For more information regarding a name change, see the *Guide.*

F. If you want a court to change your name at a naturalization oath ceremony, check "Yes" and complete this section. If you do not want to change your name, check "No" and go to Part 2.

Part 2. Information About Your Eligibility.

Check the box that shows why you are eligible to apply for naturalization. If the basis for your eligibility is not described in one of the first three boxes, check "Other" and briefly write the basis for your application on the lines provided.

Part 3. Information About You.

A. **U.S. Social Security Number** - Print your U.S. Social Security Number. If you do not have one, write "N/A" in the space provided.

B. **Date of birth** - Always use eight numbers to show your date of birth. Write the date in this order: Month, Day, Year. For example, write May 1, 1958 as 05/01/1958.

C. **Date you became a Permanent Resident** - Write the official date when your lawful permanent residence began, as shown on your Permanent Resident Card. To help locate the date on your card, see the sample Permanent Resident Cards in the *Guide.* Write the date in this order: Month, Day,Year. For example, write August 9, 1988 as 08/09/1988.

D. **Country of birth** - Write the name of the country where you were born. Write the name of the country even if it no longer exists.

E. **Country of nationality** - Write the name of the country (or countries) where you are currently a citizen or national.

1. If you are stateless, write the name of the country where you were last a citizen or national.

2. If you are a citizen or national of more than one country, write the name of the foreign country that issued your last passport.

F. **Citizenship of parents** - Check "Yes" if either of your parents is a U.S. citizen. If you answer "Yes," you may already be a citizen. For more information, see "Frequently Asked Questions" in the *Guide.*

G. **Current marital status** - Check the marital status you have on the date you are filing this application. If you are currently not married, but had a prior marriage that was annulled or otherwise legally terminated, check "Other" and explain it.

H. **Request for disability waiver** - If you have a medical disability or impairment that you believe qualifies you for a waiver of the tests of English and/or U.S. Government and history, check "Yes" and attach a properly completed Form N-648, Medical Certification for Disability Exceptions. If you ask for this waiver, it does not guarantee that you will be excused from the testing requirements. For more information about this waiver, see the *Guide.*

I. **Request for disability accommodations** - We will make every reasonable effort to help applicants with disabilities complete the naturalization process. For example, if you use a wheelchair, we will make sure that you can be fingerprinted and interviewed, and can attend a naturalization ceremony at a location that is wheelchair accessible. If you are deaf or hearing impaired and need a sign language interpreter, we will make arrangements with you to have one at your interview.

If you believe you will need us to modify or change the naturalization process for you, check the box or write in the space the kind of accommodation you need. If you need more space, use a separate sheet of paper. You do not need to send us a Form N-648 to request an accommodation. You only need to send a Form N-648 to request a waiver of the test of English and/or civics.

We consider requests for accommodations on a case-by-case basis. Asking for an accommodation will not affect your eligibility for citizenship.

Part 4. Information About Contacting You.

A. **Home address** - Give the address where you now live. Do **not** put post office (P.O.) box numbers here.

B. **Mailing address** - If your mailing address is the same as your home address, write "same." If your mailing address is different from your home address, write it in this part.

C. **Telephone numbers** - By giving us your telephone numbers and e-mail address, we can contact you about your application more quickly. If you are hearing impaired and use a TTY telephone connection, please indicate this by writing "(TTY)" after the telephone number.

Part 5. Information for Criminal Records Search.

The Federal Bureau of Investigation (FBI) will use the information in this section, together with your fingerprints, to search for criminal records. Although the results of this search may affect your eligibility, we do **not** make naturalization decisions based on your gender, race, or physical description.

For each item, check the box or boxes that best describes you. The categories are those used by the FBI. You can select one or more.

NOTE: As part of the USCIS biometric services requirement, you must be fingerprinted after you file this application. If necessary, USCIS may also take your photograph and signature.

Part 6. Information About Your Residence and Employment.

A. Write every address where you have lived during the last five years (including in other countries).

Begin with where you live now. Include the dates you lived in those places. For example, write May 1998 to June 1999 as 05/1998 to 06/1999.

If you need separate sheets of paper to complete section A or B or any other questions on this application, be sure to follow the Instructions in **"Step 1. Fill Out the Form N-400, Number 2"** on **Page 2.**

B. List where you have worked (or, if you were a student, the schools you have attended) during the last five years. Include military service. If you worked for yourself, write "self employed." Begin with your most recent job. Also, write the dates when you worked or studied in each place.

Part 7. Time Outside the United States *(Including Trips to Canada, Mexico and the Caribbean).*

A. Write the total number of days you spent outside of the United States (including on military service) during the last five years. Count the days of every trip that lasted 24 hours or longer.

B. Write the number of trips you have taken outside the United States during the last five years. Count every trip that lasted 24 hours or longer.

C. Provide the requested information for every trip that you have taken outside the United States since you became a Lawful Permanent Resident. Begin with your most recent trip.

Part 8. Information About Your Marital History.

A. Write the number of times you have been married. Include any annulled marriages. If you were married to the same spouse more than one time, count each time as a separate marriage.

B. If you are now married, provide information about your current spouse.

C. Check the box to indicate whether your current spouse is a U.S. citizen.

D. If your spouse is a citizen through naturalization, give the date and place of naturalization. If your spouse regained U.S. citizenship, write the date and place the citizenship was regained.

E. If your spouse is not a U.S. citizen, complete this section.

F. If you were married before, give information about your former spouse or spouses. In question F.2, check the box showing the immigration status your former spouse had during your marriage. If the spouse was not a U.S. citizen or a Lawful Permanent Resident at that time, check "Other" and explain. For question F.5, if your marriage was annulled, check "Other" and explain. If you were married to the same spouse more than one time, write about each marriage separately.

G. For any prior marriages of your current spouse, follow the instructions in section F above.

NOTE: If you or your present spouse had more than one prior marriage, provide the same information required by section F and section G about every additional marriage on a separate sheet of paper.

Part 9. Information About Your Children.

A. Write the total number of sons and daughters you have had. Count **all** of your children, regardless of whether they are:

1. Alive, missing, or dead;
2. Born in other countries or in the United States;
3. Under 18 years old or adults;
4. Married or unmarried;
5. Living with you or elsewhere;
6. Stepsons or stepdaughters or legally adopted; or
7. Born when you were not married.

B. Write information about all your sons and daughters. In the last column ("Location"), write:

1. "With me" - if the son or daughter is currently living with you;
2. The street address and state or country where the son or daughter lives - if the son or daughter is **not** currently living with you; or
3. "Missing" or "dead" - if that son or daughter is missing or dead.

If you need space to list information about additional sons and daughters, attach a separate sheet of paper.

Part 10. Additional Questions.

Answer each question by checking "Yes" or "No." If **any** part of a question applies to you, you must answer "Yes." For example, if you were never arrested but *were* once detained by a police officer, check "Yes" to the question "Have you ever been arrested or detained by a law enforcement officer?" and attach a written explanation.

We will use this information to determine your eligibility for citizenship. Answer every question honestly and accurately. If you do not, we may deny your application for lack of good moral character. Answering "Yes" to one of these questions does not always cause an application to be denied. For more information on eligibility, please see the *Guide.*

Part 11. Your Signature.

After reading the statement in Part 11, you must sign and date it. You should sign your full name without abbreviating it or using initials. The signature must be legible. Your application may be returned to you if it is not signed.

If you cannot sign your name in English, sign in your native language. If you are unable to write in any language, sign your name with an "X."

NOTE: A designated representative may sign this section on behalf an applicant who qualifies for a waiver of the Oath of Allegiance because of a development or physical impairment (see the *Guide* for more information). In such a case the designated representative should write the name of the applicant and then sign his or her own name followed by the words "Designated Representative." The information attested to by the Designated Representative is subject to the same penalties discussed on **Page 7** of these Instructions.

Part 12. Signature of Person Who Prepared the Form for You.

If someone filled out this form for you, he or she must complete this section.

Part 13. Signature at Interview.

Do not complete this part. You will be asked to complete this part at your interview.

Part 14. Oath of Allegiance.

Do not complete this part. You will be asked to complete this part at your interview.

If we approve your application, you must take this Oath of Allegiance to become a citizen. In limited cases you can take a modified Oath. The Oath requirement cannot be waived unless you are unable to understand its meaning because of a physical or developmental disability or mental impairment. For more information, see the *Guide.* Your signature on this form only indicates that you have no objections to taking the Oath of Allegiance. **It does not mean that you have taken the Oath or that you are naturalized.** If USCIS approves your application for naturalization, you must attend an oath ceremony and take the Oath of Allegiance to the United States.

Step 2. General Requirements

All applicants must send certain documents with their application.

For example, if you have been arrested or convicted of a crime, you must send a certified copy of the arrest report, court disposition, sentencing, and any other relevant documents, including any countervailing evidence concerning the circumstances of your arrest and/or conviction that you would like USCIS to consider. Note that unless a traffic incident was alcohol or drug related, you do not need to submit documentation for traffic fines and incidents that did not involve an actual arrest if the only penalty was a fine of less than **$500** and/or points on your driver's license.

For more information on the documents you must send with your application, see the Document Checklist in the *Guide.*

Translations. Any document containing foreign language submitted to USCIS shall be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English.

Copies. Unless specifically required that an original document be filed with an application or petition, an ordinary legible photocopy may be submitted. Original documents submitted when not required will remain a part of the record, even if the submission was not required.

Where To File?

You must send your Form N-400 application and supporting documents to a USCIS Service Center.

To find the Service Center address you should use, read the section in the Guide called "Completing Your Application and Getting Photographed" or call the NCSC at **1-800-375-5283 (TTY: 1-800-767-1833)** or visit our website at **www.uscis.gov** and click on "Immigration Forms."

All naturalization applicants filing under the military provisions, Section 328 or 329 of the INA, should file their application at the Nebraska Service Center regardless of geographic location or jurisdiction. Please send your application to:

Nebraska Service Center
P.O. Box 87426
Lincoln, NE 68501-7426

What Is the Filing Fee?

The filing fee for a Form N-400 is **$595.00.**

NOTE: All naturalization applicants filing under the military provisions, Section 328 or 329 of the INA, do not require a filing fee.

An additional biometric fee of **$80.00** is required when filing this Form N-400. After you submit Form N-400, USCIS will notify you about when and where to go for biometric services.

Applicants 75 years of age or older, are exempt from biometric services fee.

You may submit one check or money order for both the application and biometric fees, for a total of **$675.00.**

Use the following guidelines when you prepare your check or money order for the Form N-400 and the biometric service 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 check or money order payable to **U.S. Department of Homeland Security**, unless:
   - **A.** If you live in Guam and are filing your petition there, make it payable to **Treasurer, Guam.**

B. If you live in the U.S. Virgin Islands and are filing your petition there, make it payable to **Commissioner of Finance of the Virgin Islands.**

NOTE: Please 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, it will be converted 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 will be shown on your regular account statement.

You will not receive your original check back. We will destroy your original check, but we will keep a copy of it. If the EFT cannot be processed for technical reasons, you authorize us to process the copy in place of your original check. If the EFT cannot be completed because of insufficient funds, we may try to make the transfer up to two times.

How to Check If the Fees Are Correct.

The form and biometric fees on this form are current as of the edition date appearing in the lower right corner of this page. However, because USCIS fees change periodically, you can verify if the fees are correct by following one of the steps below:

1. Visit our website at **www.uscis.gov**, select "Immigration Forms" and check the appropriate fee;
2. Review the Fee Schedule included in your form package, if you called us to request the form; or
3. Telephone our National Customer Service Center at **1-800-375-5283** and ask for the fee information.

NOTE: If your Form N-400 requires payment of a biometric service fee for USCIS to take your fingerprints, photograph or signature, you can use the same procedure to obtain the correct biometric fee.

Address Changes.

If you change your address and you have an application or petition pending with USCIS, you may change your address on-line at **www.uscis.gov**, click on "Change your address with USCIS" and follow the prompts. Or you may complete and mail a Form AR-11, Alien's Change of Address Card, to:

U.S. Citizenship and Immigration Services
Change of Address
P.O. Box 7134
London, KY 40742-7134

For commercial overnight or fast freight services only, mail to:

U.S. Citizenship and Immigration Services
Change of Address
1084-I South Laurel Road
London, KY 40744

Processing Information.

Any Form N-400 that is not signed or accompanied by the correct fee will be rejected with a notice that the Form N-400 is deficient. You may correct the deficiency and resubmit the Form N-400. An application or petition is not considered properly filed until accepted by USCIS.

Initial processing. Once a Form N-400 has been accepted, it will be checked for completness, including submission of the required initial evidence. If you do not completely fill out the form, or file it without required initial evidence, you will not establish a basis for eligibility and we may deny your Form N-400.

Requests for more information or interview. We may request more information or evidence, or we may request that you appear at a USCIS office for an interview. We may also request that you submit the originals of any copy. We will return these originals when they are no longer required.

Decision. The decision on a Form N-400 involves a determination of whether you have established eligiblity for the requested benefit. You will be notified of the decision in writing.

USCIS Forms and Information.

To order USCIS forms, call our toll-free number at **1-800-870-3676.** You can also get USCIS forms and information on immigration laws, regulations, and procedures by telephoning our National Customer Service Center at **1-800-375-5283** or visiting our internet website at **www.uscis.gov.**

As an altenative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our internet-based system, **InfoPass.** To access the system, visit our website. Use the **InfoPass** appointment scheduler and follow the screen prompts to set up your appointment. **InfoPass** generates an electronic appointment notice that appears on the screen.

Penalties.

If you knowingly and willfully falsify or conceal a material fact or submit a false document with this Form N-400, we will deny the Form N-400 and may deny any other immigration benefit.

In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.

Privacy Act Notice.

We ask for the information on this form, and associated evidence, to determine if you have established eligibility for the immigration benefit for which you are filing. Our legal right to ask for this information can be found in the Immigration and Nationality Act, as amended. We may provide this information to other government agencies. Failure to provide this information, and any requested evidence, may delay a final decision or result in denial of your Form N-400.

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 OMB control number. The public reporting burden for this collection of information is estimated at 6 hour and 8 minutes per response, including the time for reviewing instructions, completing, and submitting the form. 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, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529. OMB No. 1615-0052. **Do not mail your application to this address.**

OMB No. 1615-0052; Expires 10/31/08

Department of Homeland Security
U.S Citizenship and Immigration Services

N-400 Application for Naturalization

Print clearly or type your answers using CAPITAL letters. Failure to print clearly may delay your application. Use black ink.

Write your USCIS "A"- number here:
A

For USCIS Use Only

Bar Code	Date Stamp
	Remarks
Action Block	

Part 1. Your Name. *(The person applying for naturalization.)*

A. Your current legal name.

Family Name *(Last Name)*

Given Name *(First Name)* | Full Middle Name *(If applicable)*

B. Your name **exactly** as it appears on your Permanent Resident Card.

Family Name *(Last Name)*

Given Name *(First Name)* | Full Middle Name *(If applicable)*

C. If you have ever used other names, provide them below.

Family Name *(Last Name)*	Given Name *(First Name)*	Middle Name

D. Name change *(optional)*

Please read the Instructions before you decide whether to change your name.

1. Would you like to legally change your name? ☐ Yes ☐ No
2. If "Yes," print the new name you would like to use. Do not use initials or abbreviations when writing your new name.

Family Name *(Last Name)*

Given Name *(First Name)* | Full Middle Name

Part 2. Information about your eligibility. *(Check only one.)*

I am at least 18 years old **AND**

A. ☐ I have been a Lawful Permanent Resident of the United States for at least five years.

B. ☐ I have been a Lawful Permanent Resident of the United States for at least three years, **and** I have been married to and living with the same U.S. citizen for the last three years, **and** my spouse has been a U.S. citizen for the last three years.

C. ☐ I am applying on the basis of qualifying military service.

D. ☐ Other *(Please explain)* _____

Write your USCIS "A"- number here:
A

A. U.S. Social Security Number

B. Date of Birth *(mm/dd/yyyy)*

C. Date You Became a Permanent Resident *(mm/dd/yyyy)*

D. Country of Birth

E. Country of Nationality

F. Are either of your parents U.S. citizens? *(If yes, see instructions.)* ☐ Yes ☐ No

G. What is your current marital status? ☐ Single, Never Married ☐ Married ☐ Divorced ☐ Widowed

☐ Marriage Annulled or Other *(Explain)* _____

H. Are you requesting a waiver of the English and/or U.S. History and Government requirements based on a disability or impairment and attaching a Form N-648 with your application? ☐ Yes ☐ No

I. Are you requesting an accommodation to the naturalization process because of a disability or impairment? *(See Instructions for some examples of accommodations.)* ☐ Yes ☐ No

If you answered "Yes," check the box below that applies:

☐ I am deaf or hearing impaired and need a sign language interpreter who uses the following language: _____

☐ I use a wheelchair.

☐ I am blind or sight impaired.

☐ I will need another type of accommodation. Please explain: _____

Part 4. Addresses and telephone numbers.

A. Home Address - Street Number and Name *(Do **not** write a P.O. Box in this space.)*

Apartment Number

City

County

State

ZIP Code

Country

B. Care of

Mailing Address - Street Number and Name *(If different from home address)*

Apartment Number

City

State

ZIP Code

Country

C. Daytime Phone Number *(If any)*

( )

Evening Phone Number *(If any)*

( )

E-mail Address *(If any)*

Part 5. Information for criminal records search.

Write your USCIS "A"- number here:
A

NOTE: The categories below are those required by the FBI. See Instructions for more information.

A. Gender

☐ Male ☐ Female

B. Height

Feet Inches

C. Weight

Pounds

D. Are you Hispanic or Latino? ☐ Yes ☐ No

E. Race *(Select one or more.)*

☐ White ☐ Asian ☐ Black or African American ☐ American Indian or Alaskan Native ☐ Native Hawaiian or Other Pacific Islander

F. Hair color

☐ Black ☐ Brown ☐ Blonde ☐ Gray ☐ White ☐ Red ☐ Sandy ☐ Bald (No Hair)

G. Eye color

☐ Brown ☐ Blue ☐ Green ☐ Hazel ☐ Gray ☐ Black ☐ Pink ☐ Maroon ☐ Other

Part 6. Information about your residence and employment.

A. Where have you lived during the last five years? Begin with where you live now and then list every place you lived for the last five years. If you need more space, use a separate sheet(s) of paper.

Street Number and Name, Apartment Number, City, State, Zip Code and Country	Dates *(mm/dd/yyyy)*	
	From	To
Current Home Address - Same as Part 4.A		Present

B. Where have you worked (or, if you were a student, what schools did you attend) during the last five years? Include military service. Begin with your current or latest employer and then list every place you have worked or studied for the last five years. If you need more space, use a separate sheet of paper.

Employer or School Name	Employer or School Address *(Street, City and State)*	Dates *(mm/dd/yyyy)*		Your Occupation
		From	To	

Part 7. Time outside the United States.
(Including Trips to Canada, Mexico and the Caribbean Islands)

Write your USCIS "A"- number here:
A

A. How many total days did you spend outside of the United States during the past five years? ☐ days

B. How many trips of 24 hours or more have you taken outside of the United States during the past five years? ☐ trips

C. List below all the trips of 24 hours or more that you have taken outside of the United States since becoming a Lawful Permanent Resident. Begin with your most recent trip. If you need more space, use a separate sheet(s) of paper.

Date You Left the United States *(mm/dd/yyyy)*	Date You Returned to the United States *(mm/dd/yyyy)*	Did Trip Last Six Months or More?		Countries to Which You Traveled	Total Days Out of the United States
		☐ Yes	☐ No		
		☐ Yes	☐ No		
		☐ Yes	☐ No		
		☐ Yes	☐ No		
		☐ Yes	☐ No		
		☐ Yes	☐ No		
		☐ Yes	☐ No		
		☐ Yes	☐ No		
		☐ Yes	☐ No		
		☐ Yes	☐ No		

Part 8. Information about your marital history.

A. How many times have you been married (including annulled marriages)? ☐ If you have **never** been married, go to Part 9.

B. If you are now married, give the following information about your spouse:

1. Spouse's Family Name *(Last Name)* | Given Name *(First Name)* | Full Middle Name *(If applicable)*

2. Date of Birth *(mm/dd/yyyy)* | **3.** Date of Marriage *(mm/dd/yyyy)* | **4.** Spouse's U.S. Social Security #

5. Home Address - Street Number and Name | Apartment Number

City | State | Zip Code

Part 8. Information about your marital history. *(Continued.)*

Write your USCIS "A"- number here:
A

C. Is your spouse a U.S. citizen? ☐ Yes ☐ No

D. If your spouse is a U.S. citizen, give the following information:

1. When did your spouse become a U.S. citizen? ☐ At Birth ☐ Other

If "Other," give the following information:

2. Date your spouse became a U.S. citizen

3. Place your spouse became a U.S. citizen *(Please see Instructions.)*

City and State

E. If your spouse is **not** a U.S. citizen, give the following information :

1. Spouse's Country of Citizenship

2. Spouse's USCIS "A"- Number *(If applicable)*

A

3. Spouse's Immigration Status

☐ Lawful Permanent Resident ☐ Other _____

F. If you were married before, provide the following information about your prior spouse. If you have more than one previous marriage, use a separate sheet(s) of paper to provide the information requested in Questions 1-5 below.

1. Prior Spouse's Family Name *(Last Name)* Given Name *(First Name)* Full Middle Name *(If applicable)*

2. Prior Spouse's Immigration Status

☐ U.S. Citizen
☐ Lawful Permanent Resident
☐ Other _____

3. Date of Marriage *(mm/dd/yyyy)*

4. Date Marriage Ended *(mm/dd/yyyy)*

5. How Marriage Ended

☐ Divorce ☐ Spouse Died ☐ Other _____

G. How many times has your current spouse been married (including annulled marriages)?

If your spouse has **ever** been married before, give the following information about **your spouse's** prior marriage.
If your spouse has more than one previous marriage, use a separate sheet(s) of paper to provide the information requested in Questions 1 - 5 below.

1. Prior Spouse's Family Name *(Last Name)* Given Name *(First Name)* Full Middle Name *(If applicable)*

2. Prior Spouse's Immigration Status

☐ U.S. Citizen
☐ Lawful Permanent Resident
☐ Other _____

3. Date of Marriage *(mm/dd/yyyy)*

4. Date Marriage Ended *(mm/dd/yyyy)*

5. How Marriage Ended

☐ Divorce ☐ Spouse Died ☐ Other _____

Part 9. Information about your children.

Write your USCIS "A"- number here:
A

A. How many sons and daughters have you had? For more information on which sons and daughters you should include and how to complete this section, see the Instructions. ☐

B. Provide the following information about all of your sons and daughters. If you need more space, use a separate sheet(s) of paper.

Full Name of Son or Daughter	Date of Birth *(mm/dd/yyyy)*	USCIS "A"- number *(if child has one)*	Country of Birth	Current Address *(Street, City, State and Country)*
		A		
		A		
		A		
		A		
		A		
		A		
		A		
		A		

Add Children

Go to continuation page

Part 10. Additional questions.

Please answer Questions 1 through 14. If you answer "Yes" to any of these questions, include a written explanation with this form. Your written explanation should (1) explain why your answer was "Yes" and (2) provide any additional information that helps to explain your answer.

A. General Questions.

1. Have you **ever** claimed to be a U.S. citizen *(in writing or any other way)*? ☐ Yes ☐ No
2. Have you **ever** registered to vote in any Federal, state or local election in the United States? ☐ Yes ☐ No
3. Have you **ever** voted in any Federal, state or local election in the United States? ☐ Yes ☐ No
4. Since becoming a Lawful Permanent Resident, have you **ever** failed to file a required Federal state or local tax return? ☐ Yes ☐ No
5. Do you owe any Federal, state or local taxes that are overdue? ☐ Yes ☐ No
6. Do you have any title of nobility in any foreign country? ☐ Yes ☐ No
7. Have you ever been declared legally incompetent or been confined to a mental institution within the last five years? ☐ Yes ☐ No

Part 10. Additional questions. (Continued.)

Write your USCIS "A"- number here:
A

B. Affiliations.

8. a Have you **ever** been a member of or associated with any organization, association, fund foundation, party, club, society or similar group in the United States or in any other place? ☐ Yes ☐ No

b. If you answered "Yes," list the name of each group below. If you need more space, attach the names of the other group(s) on a separate sheet(s) of paper.

Name of Group	Name of Group
1.	6.
2.	7.
3.	8.
4.	9.
5.	10.

9. Have you **ever** been a member of or in any way associated *(either directly or indirectly)* with:

a. The Communist Party? ☐ Yes ☐ No

b. Any other totalitarian party? ☐ Yes ☐ No

c. A terrorist organization? ☐ Yes ☐ No

10. Have you **ever** advocated *(either directly or indirectly)* the overthrow of any government by force or violence? ☐ Yes ☐ No

11. Have you **ever** persecuted *(either directly or indirectly)* any person because of race, religion, national origin, membership in a particular social group or political opinion? ☐ Yes ☐ No

12. Between March 23, 1933 and May 8, 1945, did you work for or associate in any way *(either directly or indirectly)* with:

a. The Nazi government of Germany? ☐ Yes ☐ No

b. Any government in any area (1) occupied by, (2) allied with, or (3) established with the help of the Nazi government of Germany? ☐ Yes ☐ No

c. Any German, Nazi, or S.S. military unit, paramilitary unit, self-defense unit, vigilante unit, citizen unit, police unit, government agency or office, extermination camp, concentration camp, prisoner of war camp, prison, labor camp or transit camp? ☐ Yes ☐ No

C. Continuous Residence.

Since becoming a Lawful Permanent Resident of the United States:

13. Have you **ever** called yourself a "nonresident" on a Federal, state or local tax return? ☐ Yes ☐ No

14. Have you **ever** failed to file a Federal, state or local tax return because you considered yourself to be a "nonresident"? ☐ Yes ☐ No

Part 10. Additional questions. (Continued.)

Write your USCIS "A"- number here:
A

D. Good Moral Character.

For the purposes of this application, you must answer "Yes" to the following questions, if applicable, even if your records were sealed or otherwise cleared or if anyone, including a judge, law enforcement officer or attorney, told you that you no longer have a record.

15. Have you **ever** committed a crime or offense for which you were **not** arrested? ☐ Yes ☐ No

16. Have you **ever** been arrested, cited or detained by any law enforcement officer (including USCIS or former INS and military officers) for any reason? ☐ Yes ☐ No

17. Have you **ever** been charged with committing any crime or offense? ☐ Yes ☐ No

18. Have you **ever** been convicted of a crime or offense? ☐ Yes ☐ No

19. Have you **ever** been placed in an alternative sentencing or a rehabilitative program (for example: diversion, deferred prosecution, withheld adjudication, deferred adjudication)? ☐ Yes ☐ No

20. Have you **ever** received a suspended sentence, been placed on probation or been paroled? ☐ Yes ☐ No

21. Have you **ever** been in jail or prison? ☐ Yes ☐ No

If you answered "Yes" to any of Questions 15 through 21, complete the following table. If you need more space, use a separate sheet (s) of paper to give the same information.

Why were you arrested, cited, detained or charged?	Date arrested, cited, detained or charged? *(mm/dd/yyyy)*	Where were you arrested, cited, detained or charged? *(City, State, Country)*	Outcome or disposition of the arrest, citation, detention or charge *(No charges filed, charges dismissed, jail, probation, etc.)*

Answer Questions 22 through 33. If you answer "Yes" to any of these questions, attach (1) your written explanation why your answer was "Yes" and (2) any additional information or documentation that helps explain your answer.

22. Have you **ever:**

a. Been a habitual drunkard? ☐ Yes ☐ No

b. Been a prostitute, or procured anyone for prostitution? ☐ Yes ☐ No

c. Sold or smuggled controlled substances, illegal drugs or narcotics? ☐ Yes ☐ No

d. Been married to more than one person at the same time? ☐ Yes ☐ No

e. Helped anyone enter or try to enter the United States illegally? ☐ Yes ☐ No

f. Gambled illegally or received income from illegal gambling? ☐ Yes ☐ No

g. Failed to support your dependents or to pay alimony? ☐ Yes ☐ No

23. Have you **ever** given false or misleading information to any U.S. government official while applying for any immigration benefit or to prevent deportation, exclusion or removal? ☐ Yes ☐ No

24. Have you **ever** lied to any U.S. government official to gain entry or admission into the United States? ☐ Yes ☐ No

Part 10. Additional questions. (Continued.)

Write your USCIS "A"- number here:
A

E. Removal, Exclusion and Deportation Proceedings.

25. Are removal, exclusion, rescission or deportation proceedings pending against you? ☐ Yes ☐ No

26. Have you **ever** been removed, excluded or deported from the United States? ☐ Yes ☐ No

27. Have you **ever** been ordered to be removed, excluded or deported from the United States? ☐ Yes ☐ No

28. Have you **ever** applied for any kind of relief from removal, exclusion or deportation? ☐ Yes ☐ No

F. Military Service.

29. Have you **ever** served in the U.S. Armed Forces? ☐ Yes ☐ No

30. Have you **ever** left the United States to avoid being drafted into the U.S. Armed Forces? ☐ Yes ☐ No

31. Have you **ever** applied for any kind of exemption from military service in the U.S. Armed Forces? ☐ Yes ☐ No

32. Have you **ever** deserted from the U.S. Armed Forces? ☐ Yes ☐ No

G. Selective Service Registration.

33. Are you a male who lived in the United States at any time between your 18th and 26th birthdays in any status except as a lawful nonimmigrant? ☐ Yes ☐ No

If you answered "NO," go on to question 34.

If you answered "YES," provide the information below.

If you answered "YES," but you did not register with the Selective Service System and are still under 26 years of age, you must register before you apply for naturalization, so that you can complete the information below:

Date Registered (mm/dd/yyyy) _____ Selective Service Number _____

If you answered "YES," but you did not register with the Selective Service and you are now 26 years old or older, attach a statement explaining why you did not register.

H. Oath Requirements. *(See Part 14 for the Text of the Oath.)*

Answer Questions 34 through 39. If you answer "No" to any of these questions, attach (1) your written explanation why the answer was "No" and (2) any additional information or documentation that helps to explain your answer.

34. Do you support the Constitution and form of government of the United States? ☐ Yes ☐ No

35. Do you understand the full Oath of Allegiance to the United States? ☐ Yes ☐ No

36. Are you willing to take the full Oath of Allegiance to the United States? ☐ Yes ☐ No

37. If the law requires it, are you willing to bear arms on behalf of the United States? ☐ Yes ☐ No

38. If the law requires it, are you willing to perform noncombatant services in the U.S. Armed Forces? ☐ Yes ☐ No

39. If the law requires it, are you willing to perform work of national importance under civilian direction? ☐ Yes ☐ No

Part 11. Your signature.

Write your USCIS "A"- number here:
A

I certify, under penalty of perjury under the laws of the United States of America, that this application, and the evidence submitted with it, are all true and correct. I authorize the release of any information that the USCIS needs to determine my eligibility for naturalization.

Your Signature

Date *(mm/dd/yyyy)*

Part 12. Signature of person who prepared this application for you. *(If applicable.)*

I declare under penalty of perjury that I prepared this application at the request of the above person. The answers provided are based on information of which I have personal knowledge and/or were provided to me by the above named person in response to the *exact questions* contained on this form.

Preparer's Printed Name

Preparer's Signature

Date *(mm/dd/yyyy)*

Preparer's Firm or Organization Name *(If applicable)*

Preparer's Daytime Phone Number

Preparer's Address - Street Number and Name

City

State

Zip Code

NOTE: Do not complete Parts 13 and 14 until a USCIS Officer instructs you to do so.

Part 13. Signature at interview.

I swear (affirm) and certify under penalty of perjury under the laws of the United States of America that I know that the contents of this application for naturalization subscribed by me, including corrections numbered 1 through _____ and the evidence submitted by me numbered pages 1 through _____ , are true and correct to the best of my knowledge and belief.

Subscribed to and sworn to (affirmed) before me

Officer's Printed Name or Stamp

Date *(mm/dd/yyyy)*

Complete Signature of Applicant

Officer's Signature

Part 14. Oath of Allegiance.

If your application is approved, you will be scheduled for a public oath ceremony at which time you will be required to take the following oath of allegiance immediately prior to becoming a naturalized citizen. By signing, you acknowledge your willingness and ability to take this oath:

I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, of whom or which I have heretofore been a subject or citizen;

that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic;

that I will bear true faith and allegiance to the same;

that I will bear arms on behalf of the United States when required by the law;

that I will perform noncombatant service in the Armed Forces of the United States when required by the law;

that I will perform work of national importance under civilian direction when required by the law; and

that I take this obligation freely, without any mental reservation or purpose of evasion; so help me God.

Printed Name of Applicant

Complete Signature of Applicant

OMB No. 1615-0053; Expires 08/31/08

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

N-426, Request for Certification of Military or Naval Service

Instructions

(Please discard this sheet before submitting request. Submit in triplicate, that is, all six pages of the form.)

NOTE: Please type or print in block letters with a ball-point pen, using black ink. Be sure this form and the complete return address are legible. Do not leave any questions unanswered. When appropriate insert "none," "not applicable" or "N/A."

What Is the Purpose of This Form?

The principal purpose of this form is to solicit information to secure a duly authenticated certification of honorable active duty service from the U.S. Government Executive Department, under which you served or are serving, to satisfy statutory requirements for naturalization as a U.S. citizen.

Submission of the information is voluntary. If your U.S. Social Security number requested on the form is not provided, no right, benefit or privilege will be denied for such failure. However, as military records are indexed by such numbers, verification of your military service may prove difficult.

If you are applying for naturalization under Sections 328 or 329 of the Immigration and Nationality Act, you should submit this form and Form G-325B, Biographic Information, with your Form N-400, Application for Naturalization, to U.S. Citizenship and Immigration Services (USCIS).

What Is Our Authority for Collecting This Information?

Our authority for collecting the information requested on this form is contained in Sections 328 and 329 of the Immigration and Nationality Act of 1952 (8 U.S.C. 1439 and 1440).

All or part of the information solicited may as a matter of routine use be disclosed to courts exercising naturalization jurisdiction and to other Federal, state, local and foreign law enforcement and regulatory agencies, the Department of Defense, including any component thereof, Selective Service System, Department of State, Department of the Treasury, Central Intelligence Agency, Interpol and individuals and organizations that process the application for naturalization, or during the courses of investigation, to elicit further information required by USCIS to carry out its functions.

Information solicited that indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, may be referred as a routine use to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating, enforcing or prosecuting such violations.

Failure to provide any or all of the solicited information may delay the naturalization process or result in a failure to locate military records or prove qualifying military service.

Paperwork Reduction Act Notice.

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 OMB control number.

This collection of information is estimated to average 45 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008 Washington, D.C. 20529. **Do not mail your completed application to this address.**

OMB No. 1615-0053; Expires 08/31/08

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

N-426, Request for Certification of Military or Naval Service

Alien Registration Number	Date of Request

NOTE TO CERTIFYING OFFICER: For use in connection with my application for naturalization, please complete the certification of military service on **Pages 2, 4, and 6** of this form and furnish it to the office of U.S. Citizenship and Immigration Services (USCIS) shown in the address block below. The information shown below is furnished to help locate and identify my military records. **(Submit in triplicate, that is, all six pages of this form.)**

NOTE TO APPLICANT: Furnish as much information as possible. If you were issued a Report of Separation, DD Form 214, attach a copy. Fill in the blanks only on Pages 1, 3 and 5 of this form. Please type or print clearly in black ink. All copies must be legible. Do not use pencil. (Submit in triplicate, that is, all six pages of this form.)

Name Used During Active Service *(Last, First, Middle)*	U.S. Social Security Number	Date of Birth	Place of Birth

For an effective records search, it is important that ALL periods of service be shown below. (Use blank sheet(s) if more space is needed.)

Active Service:

Branch of Service *(Show also last organization, if known.)*	Date Entered on Active Duty	Date Released From Active Duty	Check Which		Service Number During This Period
			Officer	Enlisted	
			☐	☐	
			☐	☐	
			☐	☐	
			☐	☐	

Reserve or National Guard Service: → If none, check ☐ None

Branch of Service	Check Which		Date Membership Began	Date Membership Ended	Check Which		Service Number During This Period
	Reserve	N. Guard			Officer	Enlisted	
	☐	☐			☐	☐	
	☐	☐			☐	☐	
	☐	☐			☐	☐	

Are you a Military Retiree or Fleet Reservist? ☐ No ☐ Yes

Signature *(Present Name)*	Present Address *(Number, Street, City, State and Zip Code)*

Instructions to Certifying Officer.

Persons who are serving or have served honorably under specified conditions in the armed forces of the United States, inclusive of the reserve components of the armed forces of the United States, are granted certain exemptions from the general requirements for naturalization. The law requires such service to be established by a duly authenticated copy of the records of the executive department having custody of the record of service, showing whether the service man or woman served honorably in an active-duty status, reserve-duty status, or both, and whether each separation from the service was under honorable conditions. For that purpose, the certified statement on **Pages 2, 4 and 6** of this form, executed under the seal of your department, is required and should cover not only the period(s) of service shown above, but any other periods of service (active, reserve or both) rendered by the service man or woman.

Pages 2, 4 and 6 of this form should be completed, or the information called for furnished by separate letter, and the form and letter returned to the office of U. S. Citizenship and Immigration Services at the address in the block immediately below.

U.S. Citizenship and Immigration Services

Return to:
Please type or print complete return address. Include zip code.

Applicant: Do not fill out this page.

Certification of Military or Naval Service.

☐ Name correctly shown on front of form.

☐ Name as shown in records:

Active Service.

1. Entered Service at	2. On	3. Served to	4. Branch of Service	5. State whether serving honorably. If separated, state whether under honorable conditions. If other than honorable, give full details. Always complete item 11.

Reserve or National Guard Service.

6. Branch of Service	7. Check Which		8. Began	9. Ended	10. State whether serving honorably. State if Selected Reserve of the Ready Reserve. If separated, state whether under honorable conditions. If other than honorable, give full details. Always complete Item 11.
	Reserve	N. Guard			
	☐	☐			
	☐	☐			

11. Statement Regarding Alienage. *(Complete this item in ALL cases.)*

☐ Record shows this person **was not** discharged on account of alienage.

☐ Record shows this person **was** discharged on account of alienage. Details: _____

12. Remarks. Use for continuation of any of the above items. You should also show in the space below any **derogatory information** in your records relating to the person's character, loyalty to the United States, disciplinary actions, convictions or other matters concerning his or her fitness for citizenship.

Lodge Act Enlistee.

Complete this block if subject is a "Lodge Act Enlistee"-64 Stat. 316 (Army). Subsequent to enlistment under the Lodge Act on _____

subject entered _____ at the port of _____

(the United States, American Samoa, Swains Island or the Panama Canal Zone)

pursuant to Military orders on _____ via _____

I CERTIFY that the information here given concerning the service of the person named on the face of this form is correct according to the records of the _____

(Name of department or organization)

[SEAL] **(Official Signature)** _____

Date _____ , _____ By _____

OMB No. 1615-0053; Expires 08/31/08

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

N-426, Request for Certification of Military or Naval Service

Alien Registration Number	Date of Request

NOTE TO CERTIFYING OFFICER: For use in connection with my application for naturalization, please complete the certification of military service on **Pages 2, 4, and 6** of this form and furnish it to the office of U.S. Citizenship and Immigration Services (USCIS) shown in the address block below. The information shown below is furnished to help locate and identify my military records. **(Submit in triplicate, that is, all six pages of this form.)**

NOTE TO APPLICANT: Furnish as much information as possible. If you were issued a Report of Separation, DD Form 214, attach a copy. Fill in the blanks only on Pages 1, 3 and 5 of this form. Please type or print clearly in black ink. All copies must be legible. Do not use pencil. (Submit in triplicate, that is, all six pages of this form.)

Name Used During Active Service *(Last, First, Middle)*	U.S. Social Security Number	Date of Birth	Place of Birth

For an effective records search, it is important that ALL periods of service be shown below. (Use blank sheet(s) if more space is needed.)

Active Service:

Branch of Service *(Show also last organization, if known.)*	Date Entered on Active Duty	Date Released From Active Duty	Check Which		Service Number During This Period
			Officer	Enlisted	
			☐	☐	
			☐	☐	
			☐	☐	
			☐	☐	

Reserve or National Guard Service: → If none, check ☐ None

Branch of Service	Check Which		Date Membership Began	Date Membership Ended	Check Which		Service Number During This Period
	Reserve	N. Guard			Officer	Enlisted	
	☐	☐			☐	☐	
	☐	☐			☐	☐	
	☐	☐			☐	☐	

Are you a Military Retiree or Fleet Reservist? ☐ No ☐ Yes

Signature *(Present Name)*	Present Address *(Number, Street, City, State and Zip Code)*

Instructions to Certifying Officer.

Persons who are serving or have served honorably under specified conditions in the armed forces of the United States, inclusive of the reserve components of the armed forces of the United States, are granted certain exemptions from the general requirements for naturalization. The law requires such service to be established by a duly authenticated copy of the records of the executive department having custody of the record of service, showing whether the service man or woman served honorably in an active-duty status, reserve-duty status, or both, and whether each separation from the service was under honorable conditions. For that purpose, the certified statement on **Pages 2, 4 and 6** of this form, executed under the seal of your department, is required and should cover not only the period(s) of service shown above, but any other periods of service (active, reserve or both) rendered by the service man or woman.

Pages 2, 4 and 6 of this form should be completed, or the information called for furnished by separate letter, and the form and letter returned to the office of U. S. Citizenship and Immigration Services at the address in the block immediately below.

U.S. Citizenship and Immigration Services

Return to:
Please type or print complete return address. Include zip code.

Applicant: Do not fill out this page.

Certification of Military or Naval Service.

☐ Name correctly shown on front of form.

☐ Name as shown in records:

Active Service.

1. Entered Service at	2. On	3. Served to	4. Branch of Service	5. State whether serving honorably. If separated, state whether under honorable conditions. If other than honorable, give full details. Always complete item 11.

Reserve or National Guard Service.

6. Branch of Service	7. Check Which		8. Began	9. Ended	10. State whether serving honorably. State if Selected Reserve of the Ready Reserve. If separated, state whether under honorable conditions. If other than honorable, give full details. Always complete Item 11.
	Reserve	N. Guard			
	☐	☐			
	☐	☐			

11. Statement Regarding Alienage. *(Complete this item in ALL cases.)*

☐ Record shows this person **was not** discharged on account of alienage.

☐ Record shows this person **was** discharged on account of alienage. Details: _____

12. Remarks. Use for continuation of any of the above items. You should also show in the space below any **derogatory information** in your records relating to the person's character, loyalty to the United States, disciplinary actions, convictions or other matters concerning his or her fitness for citizenship.

Lodge Act Enlistee.

Complete this block if subject is a "Lodge Act Enlistee"-64 Stat. 316 (Army). Subsequent to enlistment under the Lodge Act on _____

subject entered _____ at the port of _____

(the United States, American Samoa, Swains Island or the Panama Canal Zone)

pursuant to Military orders on _____ via _____

I CERTIFY that the information here given concerning the service of the person named on the face of this form is correct according to the records of the _____

(Name of department or organization)

[SEAL] **(Official Signature)** _____

Date _____ , _____ By _____

OMB No. 1615-0053; Expires 08/31/08

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

N-426, Request for Certification of Military or Naval Service

Alien Registration Nu mber	Date of Request

NOTE TO CERTIFYING OFFICER: For use in connection with my application for naturalization, please complete the certification of military service on **Pages 2, 4, and 6** of this form and furnish it to the office of U.S. Citizenship and Immigration Services (USCIS) shown in the address block below. The information shown below is furnished to help locate and identify my military records. **(Submit in triplicate, that is, all six pages of this form.)**

NOTE TO APPLICANT: Furnish as much information as possible. If you were issued a Report of Separation, DD Form 214, attach a copy. Fill in the blanks only on Pages 1, 3 and 5 of this form. Please type or print clearly in black ink. All copies must be legible. Do not use pencil. (Submit in triplicate, that is, all six pages of this form.)

Name Used During Active Service *(Last, First, Middle)*	U.S. Social Security Number	Date of Birth	Place of Birth

For an effective records search, it is important that ALL periods of service be shown below. (Use blank sheet(s) if more space is needed.)

Active Service:

Branch of Service *(Show also last organization, if known.)*	Date Entered on Active Duty	Date Released From Active Duty	Check Which		Service Number During This Period
			Officer	Enlisted	
			☐	☐	
			☐	☐	
			☐	☐	
			☐	☐	

Reserve or National Guard Service: → If none, check ☐ None

Branch of Service	Check Which		Date Membership Began	Date Membership Ended	Check Which		Service Number During This Period
	Reserve	N. Guard			Officer	Enlisted	
	☐	☐			☐	☐	
	☐	☐			☐	☐	
	☐	☐			☐	☐	

Are you a Military Retiree or Fleet Reservist? ☐ No ☐ Yes

Signature *(Present Name)*	Present Address *(Number, Street, City, State and Zip Code)*

Instructions to Certifying Officer.

Persons who are serving or have served honorably under specified conditions in the armed forces of the United States, inclusive of the reserve components of the armed forces of the United States, are granted certain exemptions from the general requirements for naturalization. The law requires such service to be established by a duly authenticated copy of the records of the executive department having custody of the record of service, showing whether the service man or woman served honorably in an active-duty status, reserve-duty status, or both, and whether each separation from the service was under honorable conditions. For that purpose, the certified statement on **Pages 2, 4, and 6** of this form, executed under the seal of your department, is required and should cover not only the period(s) of service shown above, but any other periods of service (active, reserve or both) rendered by the service man or woman.

Pages 2 ,4 and 6 of this form should be completed, or the information called for furnished by separate letter, and the form and letter returned to the office of U. S. Citizenship and Immigration Services at the address in the block immediately below.

U.S. Citizenship and Immigration Services

Return to:
Please type or print complete return address. Include zip code.

Applicant: Do not fill out this page.

Certification of Military or Naval Service.

☐ Name correctly shown on front of form.

☐ Name as shown in records:

Active Service.

1. Entered Service at	2. On	3. Served to	4. Branch of Service	5. State whether serving honorably. If separated, state whether under honorable conditions. If other than honorable, give full details. Always complete item 11.

Reserve or National Guard Service.

6. Branch of Service	7. Check Which		8. Began	9. Ended	10. State whether serving honorably. State if Selected Reserve of the Ready Reserve. If separated, state whether under honorable conditions. If other than honorable, give full details. Always complete Item 11.
	Reserve	N. Guard			
	☐	☐			
	☐	☐			

11. Statement Regarding Alienage. *(Complete this item in ALL cases.)*

☐ Record shows this person **was not** discharged on account of alienage.

☐ Record shows this person **was** discharged on account of alienage. Details: _____

12. Remarks. Use for continuation of any of the above items. You should also show in the space below any **derogatory information** in your records relating to the person's character, loyalty to the United States, disciplinary actions, convictions or other matters concerning his or her fitness for citizenship.

Lodge Act Enlistee.

Complete this block if subject is a "Lodge Act Enlistee"-64 Stat. 316 (Army). Subsequent to enlistment under the Lodge Act on _____

subject entered _____ at the port of _____

(the United States, American Samoa, Swains Island or the Panama Canal Zone)

pursuant to Military orders on _____ via _____

I CERTIFY that the information here given concerning the service of the person named on the face of this form is correct according to the records of the _____

(Name of department or organization)

[SEAL] **(Official Signature)** _____

Date _____ , _____ By _____

Instructions

What Is the Purpose of This Form?

Complete this biographical information form and include it with the application you are submitting to U.S. Citizenship and Immigration Services (USCIS).

USCIS will use the information you provide on this form to process your application. Complete and submit all copies of this form with your application.

If you have any questions on how to complete the form, call our National Customer Service Center at **1-800-375-5283.**

Privacy Act Notice.

We ask for the information on this form and associated evidence to determine if you have established eligibility for the immigration benefit you are seeking. Our legal right to ask for this information is in 8 USC 1439 and 1440. We may provide this information to other Government agencies. Failure to provide this information and any requested evidence may delay a final decision or result in denial of your application.

Paperwork Reduction Act Notice.

A person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

We try to create forms and instructions that are accurate, can be easily understood and that impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex.

The estimated average time to gather the requested information, complete the form and include it with the application for filing purposes is 25 minutes. If you have any comments regarding the accuracy of this estimate or suggestions for making this form simpler, write to U.S. Citizenship and Immigration Services, Regulatory Management Division, 111Massachusetts Avenue, N.W., Washington, D.C. 20529; OMB No. 1615-0008. **Do not send your form to this Washington, D.C. address.**

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

OMB No. 1615-0008; Expires 05/31/09

G-325B, Biographic Information

(Family Name)	(First Name)	(Middle Name)	☐ Male ☐ Female	Birth Date (mm/dd/yyyy)	Citizenship/Nationality	File Number A
All Other Names Used (Including names by previous marriages)			City and Country of Birth			U.S. Social Security # *(if any)*

	Family Name	First Name	Date, City and Country of Birth (If known)	City and Country of Residence
Father				
Mother (Maiden Name)				

Husband or Wife (If none, so state)	Family Name (For wife, give maiden name)	First Name	Birth Date (mm/dd/yyyy)	City and Country of Birth	Date of Marriage	Place of Marriage

Former Husbands or Wives (If none, so state) Family Name (For wife, give maiden name)	First Name	Birth Date (mm/dd/yyyy)	Date and Place of Marriage	Date and Place of Termination of Marriage

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

Street and Number	City	Province or State	Country	From Month	From Year	To Month	To Year
						Present Time	

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

Street and Number	City	Province or State	Country	From Month	From Year	To Month	To Year

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

Full Name and Address of Employer	Occupation (Specify)	From Month	From Year	To Month	To Year
				Present Time	

Show below last occupation abroad if not listed above. (Include all information requested above.)

This form is submitted in connection with an application for:
☐ Naturalization ☐ Other (Specify):
☐ Status as Permanent Resident

If serving or ever served in the Armed Forces of the United States, complete the following:

Branch of Service	Rank	Service Number

To Other Agency: Please furnish on Pages 2 and 4 of this form, or by attachment hereto, any derogatory information that may be contained in your records concerning the above person for use in connection with consideration of above application and return to U.S. Citizenship and Immigration Services.

USCIS USE (Office of Origin)

Office Code
Type of Case
Date

(Other Agency)

MIL PERS	AIR RESERVE
USAF PERS	ARMY PERS
SEE O.I. 328. 1 FOR MAILING ADDRESS	

☐ OSI (USAF)	☐ ONI (USN)
☐ MID G-2	☐ PROV. MAR.

(All Defense Checks)

MAIL TO:

Director,
United States Army Investigative
Records Repository
ATTN: ICIRR-A
Fort Meade, Maryland 20755
ATTENTION: Liaison Office
U.S. Citizenship and Immigration Services

STATE (P.P.)	STATE (S.Y.)	OTHER
SEE O.I. 105.4 FOR MAILING ADDRESS		

FOR STATE DEPARTMENT USE

☐ SY
☐ RSC
☐ RMR
☐ C:Visa
☐ R:Visa
☐ ORM

See Instructions on **Page 5**

Date:

Date of entry into service:
Date of separation:
Service number:

The records of this Department show the following with respect to the subject of your inquiry:
All organizations, clubs or societies in the United States, or in any other country, of which subject was a member at any time, and dates thereof. (If none, show "None.") _____

All arrests, convictions, disciplinary actions, court martial proceedings and illegal or immoral conduct in which subject involved, including dates and results thereof. (If none, show "None.")

Details of any oral or written statements, conduct, behavior or associations of the subject that may indicate belief in, advocacy of or preference or sympathy for Communism, or any other foreign ideology inconsistent with loyalty to the United States, or the form of government of the United States or attachment to the principles of the U.S. Constitution. (If none, show "None.")

Additional information or references.

I certify that the information here given concerning the person named is correct according to the records of the

_____
(Name of Department or Organization)

Official Signature _____

By _____

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

OMB No. 1615-0008; Expires 05/31/09

G-325B, Biographic Information

(Family Name)	(First Name)	(Middle Name)	☐ Male ☐ Female	Birth Date (mm/dd/yyyy)	Citizenship/Nationality	File Number A
All Other Names Used (Including names by previous marriages)			City and Country of Birth		U.S. Social Security # *(if any)*	

	Family Name	First Name	Date, City and Country of Birth (If known)	City and Country of Residence
Father				
Mother (Maiden Name)				

Husband or Wife (If none, so state)	Family Name (For wife, give maiden name)	First Name	Birth Date (mm/dd/yyyy)	City and Country of Birth	Date of Marriage	Place of Marriage

Former Husbands or Wives (If none, so state) Family Name (For wife, give maiden name)	First Name	Birth Date (mm/dd/yyyy)	Date and Place of Marriage	Date and Place of Termination of Marriage

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

Street and Number	City	Province or State	Country	From Month	From Year	To Month	To Year
						Present Time	

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

Street and Number	City	Province or State	Country	From Month	From Year	To Month	To Year

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

Full Name and Address of Employer	Occupation (Specify)	From Month	From Year	To Month	To Year
				Present Time	

Show below last occupation abroad if not listed above. (Include all information requested above.)

This form is submitted in connection with an application for:
☐ Naturalization ☐ Other (Specify):
☐ Status as Permanent Resident

If serving or ever served in the Armed Forces of the United States, complete the following:

Branch of Service	Rank	Service Number

To Other Agency: Please furnish on Pages 2 and 4 of this form, or by attachment hereto, any derogatory information that may be contained in your records concerning the above person for use in connection with consideration of above application and return to U.S. Citizenship and Immigration Services.

USCIS USE (Office of Origin)

Office Code
Type of Case
Date

(Other Agency)

MIL PERS	AIR RESERVE
USAF PERS	ARMY PERS
SEE O.I. 328. 1 FOR MAILING ADDRESS	

☐ OSI (USAF)	☐ ONI (USN)
☐ MID G-2	☐ PROV. MAR.

(All Defense Checks)

MAIL TO:

Director,
United States Army Investigative
Records Repository
ATTN: ICIRR-A
Fort Meade, Maryland 20755
ATTENTION: Liaison Office
U.S. Citizenship and Immigration Services

STATE (P.P.)	STATE (S.Y.)	OTHER
SEE O.I. 105.4 FOR MAILING ADDRESS		

FOR STATE DEPARTMENT USE

☐ SY
☐ RSC
☐ RMR
☐ C:Visa
☐ R:Visa
☐ ORM

See Instructions on **Page 5**

Date:

Date of entry into service:
Date of separation:
Service number:

The records of this Department show the following with respect to the subject of your inquiry:
All organizations, clubs or societies in the United States, or in any other country, of which subject was a member at any time, and dates thereof. (If none, show "None.") _____

All arrests, convictions, disciplinary actions, court martial proceedings and illegal or immoral conduct in which subject involved, including dates and results thereof. (If none, show "None.")

Details of any oral or written statements, conduct, behavior or associations of the subject that may indicate belief in, advocacy of or preference or sympathy for Communism, or any other foreign ideology inconsistent with loyalty to the United States, or the form of government of the United States or attachment to the principles of the U.S. Constitution. (If none, show "None.")

Additional information or references.

I certify that the information here given concerning the person named is correct according to the records of the

_____
(Name of Department or Organization)

Official Signature _____

By _____

SEYFARTH SHAW LLP
ATTORNEYS

ADDRESS CHANGES

I. Who is Required to Notify USCIS of an Address Change?

According to the Immigration and Nationality Act, people in the following categories must notify USCIS of an address change:

- All non-U.S. citizens regardless of whether a case with USCIS is pending, approved or denied;
- Legal Permanent Residents; and
- U.S. citizens who have ever filed Form I-864, Affidavit of Support.

II. When Does USCIS Need to be Notified?

USCIS must be notified promptly upon an address change, specifically:

- Within **10 days** for non-U.S. citizens and Permanent Residents; and
- Within **30 days** for U.S. citizens that have previously submitted a Form I-864, Affidavit of Support.

III. How Can USCIS be Notified?

There are currently three options for notifying USCIS of an address change:

1. Complete Form AR-11 online:
https://egov.uscis.gov/crisgwi/go?action=coa

2. Complete Form AR-11 and mail it to USCIS (using certified registered or return receipt mail):

U.S. Department of Homeland Security
S. Citizenship and Immigration Services
Change of Address
P.O. Box 7134
London, KY 40742-7134

OR

For commercial overnight or fast freight services, only:

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Change of Address
1084-I South Laurel Road
London, KY 40744

3. Call USCIS Customer Service at: 1-800-375-5283

Completing and submitting Form AR-11 electronically is the preferred method of notifying USCIS of an address change. Electronically filing Form AR-11 allows non-U.S. citizens to update their address on any pending applications or petitions. [In addition, the form serves as notification to USCIS of the person's address change.]

IV. How Does a Change of Address Affect Employment-based Visa Status Holders?

Employment-based Visa Status holders (i.e. H-1B, L-1, TN, O-1, etc.) are among those that are required to notify USCIS of an address change. Relocating can, in an employment-based immigration situation, have additional effects on a person's status and the paperwork which is filed, requiring additional action to be taken. If a person moves to a new county or to a new metropolitan area, one or more of the following actions may need to be taken in connection with their pending or approved nonimmigrant visa application:

- The Application may need to be amended;
- The Application may need to be re-filed if the person is now working for a new employer or a different entity of the parent company (if the FEIN number is different, a new petition may need to be filed);
- The Labor Condition Application (LCA) may need to be Amended.

It is important to note that when a person relocates, the prevailing wage for their position may change. It is required by the Department of Labor that the employer pay the employee at least the prevailing wage for their position in the jurisdiction in which he or she will work.

V. NSEERS: Special Registration

A. Who is affected?

Citizens and Nationals of the following countries are required by law to register all entries and exits, as well as all address changes, and any changes in employment or school information:

Afghanistan	Iraq	Pakistan
Algeria	Jordan	Qatar
Bahrain	Kuwait	Saudi Arabia
Bangladesh	Lebanon	Somalia
Egypt	Libya	Sudan
Eritrea	Morocco	Syria
Indonesia	North Korea	Tunisia
Iran	Oman	United Arab Emirates
		Yemen

B. How Can USCIS be Notified?

Citizens and nationals of the NSEERS countries must file Form AR-11SR to notify USCIS of changes in their address, employment or school information. The form must be mailed (using certified registered or return receipt mail) to:

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Change of Address
P.O. Box 7134
London, KY 40742-7134

OR

For commercial overnight or fast freight services, only:

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Change of Address
1084-I South Laurel Road
London, KY 40744

Please note that completing the electronic version of Form AR-11 and notifying USCIS via telephone are not options for these individuals.

VI. Penalties for Non-Compliance

According to 8 CFR Part 264.1, the following penalties may be imposed for non-compliance with the requirement to notify USCIS of an address change or of changes in employment or school information for Special Registrants:

- Misdemeanor criminal charges;
- A fine of up to $200;
- Imprisonment for up to 30 days;

- Deportation (INA §266 (b));
- Delay in notification or correspondence in connection with any pending or approved applications or petitions.

Delay in receipt of correspondence such as Fingerprint/Biometric Notices, Interview Notices, Requests for Evidence and Notices of Intent to Deny, could result in the applicant missing a scheduled appointment or response deadline and could thus lead to delays and potential denials of pending applications/petitions.

VII. Sponsor's Notice of Change of Address

A. Who is affected?

Anyone who has submitted Form I-864, *Affidavit of Support* must notify USCIS of their address change within **30** days via Form I-865, unless any one of the following events has occurred:

The sponsored immigrant

- Has become a U.S. citizen;
- Can be credited with 40 quarters of work;
- Departs the United States permanently and either formally abandons lawful permanent resident status (by filing Form I-407) or is formally held in a removal proceeding to have abandoned that status;
- Loses the lawful permanent resident status that the sponsored immigrant obtained based on the Form I-864; or
- Dies.

B. How Can USCIS be Notified?

Form I-865 must be mailed to the USCIS Service Center in your residential jurisdiction. If the Sponsor's new address is in:

Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Jersey, New Hampshire, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virginia, West Virginia or the U.S. Virgin Islands, mail the notice to:

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

Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee or Texas, mail the notice to:

USCIS - Texas Service Center
P.O. Box 851804
Mesquite, TX. 75185-1804

Arizona, California, Guam, Hawaii or Nevada, mail the notice to:

USCIS - California Service Center
P.O. Box 10485
Laguna Niguel, CA 92607-0485

If the sponsor lives anywhere else in the United States, mail the notice to:

USCIS - Nebraska Service Center
P.O. Box 87485
Lincoln, NE 68501-7485

VIII. Naturalization and Change of Address

A change of address may affect naturalization applicants (those applying for U.S. citizenship). Naturalization applicants must live in the USCIS district or state in which they apply for at least 3 months prior to filing their application. Armed forces and government contractors are among those who are exceptions to this rule – they have no residence requirement.

IX. Summary

In conclusion, notifying USCIS of an address change is the legal obligation of all non-U.S. citizens, all Legal Permanent Residents, and of those who have filed Form I-864, Affidavit of Support. Moreover, notifying USCIS of an address change ensures timely notification of all USCIS communications including appointments, additional document requests, receipts, denials and approvals.

OMB No. 1615-0007; Expires 08/31/08

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

AR-11, Alien's Change of Address Card

Name (Last in CAPS)	(First Name)	(Middle Name)	I am in the United States as a: ☐ Visitor ☐ Permanent Resident ☐ Student ☐ Other _____ (Specify)
Country of Citizenship	Date of Birth (mm/dd/yyyy)		Copy Number From Alien Card A
Present Address (Street or Rural Route)	(City or Post Office)	(State)	(Zip Code)
(If the above address is temporary) I expect to remain there _____ Years _____ Months			
Last Address (Street or Rural Route)	(City or Post Office)	(State)	(Zip Code)
I work for or attend school at: (Employer's Name or Name of School)			
(Street Address or Rural Route)	(City or Post Office)	(State)	(Zip Code)
Port of Entry Into U.S.	Date of Entry Into U.S. (mm/dd/yyyy)	If not a Permanent Resident, my stay in the U.S. expires on: (Date - mm/dd/yyyy)	
Signature	Date (mm/dd/yyyy)		

Form AR-11 (Rev. 01/20/06) Y

AR-11, Alien's Change of Address Card

This card is to be used by all aliens to report a change of address within ten days of such change.
The collection of this information is required by Section 265 of the Immigration and Nationality Act (8 U.S.C. 1305). The data is used by U.S. Citizenship and Immigration Services for statistical and record purposes and may be furnished to Federal, State, local and foreign law enforcement officials. Failure to report a change of address is punishable by fine or imprisonment and/or removal.

ADVISORY: This card is not evidence of identity, age or status claimed.

Public Reporting Burden. Under the Paperwork Reduction Act, an agency may not conduct or sponsor an information collection and a person is not required to respond to an information collection unless it displays a currently valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood and that impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex. This collection of information is estimated to average five minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including reducing this burden to: U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Ave. N.W., Washington, D.C. 20529. **Do not mail your completed form to this Washington, D.C. address.**

Mail Your Form to the Address Shown Below:

Department of Homeland Security
U.S. Citizenship and Immigration Services
Change of Address
P.O. Box 7134
London, KY 40742-7134

For commercial overnight or fast freight

Department of Homeland Security
U.S. Citizenship and Immigration Services
Change of Address
1084-I South Laurel Road
London, KY 40742-7134

OMB No. 1615-0007; Expires 08/31/08

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

AR-11 SR, Alien's Change of Address Card

Name (Last in CAPS)	(First Name)	(Middle Name)	I am in the United States as a: ☐ Visitor ☐ Permanent Resident ☐ Student ☐ Other _____ (Specify)
Country of Citizenship	Date of Birth (mm/dd/yyyy)		Copy Number From Alien Card A
Present Address (Street or Rural Route)	(City or Post Office)	(State)	(Zip Code)
(If the above address is temporary) I expect to remain there _____ Years _____ Months			
Last Address (Street or Rural Route)	(City or Post Office)	(State)	(Zip Code)
I work for or attend school at: (Employer's Name or Name of School)			
(Street Address or Rural Route)	(City or Post Office)	(State)	(Zip Code)
Port of Entry Into U.S.	Date of Entry Into U.S. (mm/dd/yyyy)	If not a Permanent Resident, my stay in the U.S. expires on: (Date - mm/dd/yyyy)	
Signature	Date (mm/dd/yyyy)		

Form AR-11 SR (Rev. 01/20/06) Y

Special Registration
AR-11 SR, Alien's Change of Address Card

This card is to be used by all aliens to report a change of address within ten days of such change.
The collection of this information is required by Section 265 of the Immigration and Nationality Act (8 U.S.C. 1305). The data is used by U.S. Citizenship and Immigration Services for statistical and record purposes and may be furnished to Federal, State, local and foreign law enforcement officials. Failure to report a change of address is punishable by fine or imprisonment and/or removal.

ADVISORY: This card is not evidence of identity, age or status claimed.

Public Reporting Burden. Under the Paperwork Reduction Act, an agency may not conduct or sponsor an information collection and a person is not required to respond to an information collection unless it displays a currently valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood and that impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex. This collection of information is estimated to average five minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including reducing this burden to: U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Ave. N.W., Washington, D.C. 20529. **Do not mail your completed form to this Washington, D.C. address.**

Mail Your Form to the Address Shown Below:

Department of Homeland Security
U.S. Citizenship and Immigration Services
Change of Address
P.O. Box 7134
London, KY 40742-7134

For commercial overnight or fast freight

Department of Homeland Security
U.S. Citizenship and Immigration Services
Change of Address
1084-I South Laurel Road
London, KY 40742-7134

OMB No. 1615-0076; Expires 08/31/08

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

I-865, Sponsor's Notice of Change of Address

Instructions

Please read these instructions carefully to properly complete this form. If you need more space to complete an answer, use a separate sheet(s) of paper. Write your name and Alien Registration Number (A#), if any, at the top of each sheet and indicate the number of the item that refers to your answer. Include the Part and letter or number of the item on the form relating to the additional information you are providing (example: Part 2, Z). NOTE: U.S. Citizenship and Immigration Services (USCIS is comprised of offices of the former Immigration and Naturalization Service (INS).

Use Form I-865, Sponsor's Notice of Change of Address, to report a sponsor's new address.

You will need to give us a completed and signed Form I-865.

To file this notice see Step 2 for specific instructions.

When Should I Use Form I-865?

If at any time in the past you completed a Form I-864, Affidavit of Support, to sponsor an immigrant, you are required to report your change of address within 30 days of the change if the sponsorship agreement is still in force.

The sponsorship agreement remains in force until the sponsored immigrant:

- Becomes a U.S. citizen;
- Can be credited with 40 quarters of work;
- Departs the United States permanently and either formally abandons lawful permanent resident status (by filing Form I-407) or is formally held in a removal proceeding to have abandoned that status;
- In a removal proceeding, loses the lawful permanent resident status that the sponsored immigrant obtained based on your Form I-864; or
- Dies.

How Do I File Form I-865?

A separate Form I-865 must be submitted for each person who is filing a notice of address change. Follow the steps below to complete the form:

Step 1 - Fill Out fhe Form I-865.

Step 2 - Submit Your Notice.

If you give us false documents, misrepresent facts or otherwise engage in fraud, USCIS will take appropriate action. This means you may lose current and future immigration benefits. You may also face penalties, including criminal and/or civil prosecution leading to fines and/or imprisonment.

Step 1. Fill Out Form I-865.

Use **black ink**. Type or print clearly using capital letters. If an item does not apply to you, write "N/A". If the answer is none, write "NONE".

This form is divided into **Parts 1** through **4**. The following information should help you fill out the form.

Part 1 - Information about you, the sponsor.

- **Family Name** (Last name) - Give your legal name. If you have two last names, include both and use a hyphen (-) between the names, if appropriate.
- **Date of Birth** - Use eight numbers to show your date of birth (example: May 1, 1979, should be written 05/01/1979).
- **Place of Birth** - Give the name of the country where you were born. Include also the city and state or province.
- **A #** - This is your USCIS (or former INS) file number. If you do not have an Alien Registration Number (A#) or do not know it, leave this blank or write "None".
- **U.S. Social Security #** - This is your U.S. Social Security number. If you do not have a U.S. Social Security number, leave this blank.
- **U.S. Citizen** - Check the appropriate box if you are a U.S. citizen and provide proof of your citizenship if you became a U.S. citizen following the filing of your Form I-864, Affidavit of Support, or submission of a prior Form I-865 address change.
- **Lawful Permanent Resident** - Check the appropriate box if you are a permanent resident.
- **New Home Address** - Give your new physical street address. This must include a street number and name or a rural route number. Do not put a post office box (P.O. Box) number here.
- **New Mailing Address** - Give your mailing address, if different from your home address.
- **Telephone Number** - Give a telephone number with area code where you can be reached during the day.

Part 2 - Information on sponsored immigrant(s).

- Give the requested information about the sponsored immigrant(s). If there is more than one immigrant, use a separate sheet(s) of paper to provide complete information.

Part 3 - Signature.

- You, the sponsor, must sign and date the notice. If you do not sign the form, the notice will be returned as incomplete.

Part 4 - Signature of person preparing form, if other than the sponsor.

- If you, the sponsor, did not fill out the Form I-865, the preparer must also sign, date and give his or her address.

Step 3. Submit Your Notice.

You must include the following items:

- **Your signed and completed Form I-865.**
- **Filing Fee.** There is no filing fee for Form I-865.
- **Retain a copy of your completed form.** You should retain in your records (1) a copy of the completed Form I-865, and (2) evidence that you sent the original Form I-865 to the correct USCIS office and the USCIS received the original Form I-865.

  USCIS will accept this documentation as proof that you compiled with the requirement to file Form I-865. For example, if you send Form I-865 using the U.S. Postal Service, you should keep with your file copy of Form I-865, the U.S. Postal Service certified mail receipt or Express Mail shipping label along with a return receipt, both bearing postmarks and the address where you mailed Form I-865.

  If you send Form I-865 by a commercial delivery service, you should keep with your file copy of Form I-865 a photocopy of the shipping label and signature proof of delivery.
- **Submit your Form I-865.** Where the notice should be sent depends on where you now live. See below to determine where to mail your notice.

  If your new address is in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Jersey, New Hampshire, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virginia, West Virginia or the U.S. Virgin Islands, mail the notice to:

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

  If your new address is in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee or Texas, mail the notice to:

  USCIS - Texas Service Center
  P.O. Box 851804
  Mesquite, TX. 75185-1804

  If your new address is in Arizona, California, Guam, Hawaii or Nevada, mail the notice to:

  USCIS - California Service Center
  P.O. Box 10485
  Laguna Niguel, CA 92607-0485

  If you live anywhere else in the United States, mail the notice to:

  USCIS - Nebraska Service Center
  P.O. Box 87485
  Lincoln, NE 68501-7485

Processing Information.

If the sponsor fails to give notice of a **change in his or her address,** as required in 8 U.S.C. 1183a(d) and 8 CFR 213a.3, **the sponsor may be liable for the civil penalty** established by 8 U.S.C. 1183a(d). The amount of the civil penalty will depend on whether the sponsor failed to give this notice knowing that the sponsored immigrant(s) has received means-tested public benefits.

NOTE: If the sponsor is a permanent resident, he or she must file a Form AR-11, Alien Change of Address Card, to comply with the change of address requirement in 8 CFR 265.1, as well as filing this Form I-865.

USCIS Forms and Information. To request USCIS forms, call our toll-free forms line at **1-800-870-3676**. You may also get USCIS forms and information about immigration laws and regulations by calling our National Customer Service Center at **1-800-375-5283** or visiting our internet website at **www.uscis.gov.**

Use InfoPass for Appointments. As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our internet-based system, InfoPass. To access the system, visit our website at www.uscis.gov. Use the InfoPass appointment scheduler and follow the screen prompts to set up your appointment. InfoPass generates an electronic appointment notice that appears on the screen. Print the notice and take it with you to your appointment. The notice gives the time and date of your appointment, along with the address of the USCIS office.

Privacy Act Notice. As a sponsor, you are required by statute to provide us with your change of address. The information requested on the form will be used principally by the USCIS to verify your compliance with the change of address requirement, and to notify agencies that furnish means-tested public benefits of your address change, if requested.

The information may also, as a matter of routine use, be disclosed to other Federal, State and local agencies providing means-tested public benefits for use in civil action against you for breach of contract. It may also be disclosed as a matter of routine use to other Federal, State, local or foreign law enforcement and regulatory agencies to enable these entities to carry out their law enforcement responsibilities. Failure to provide the information may result in the imposition of the penalty established in 8 U.S.C. 1183a(d).

Paperwork Reduction Act Notice. You are not required to respond to this form unless it displays a currently valid OMB control number.

We try to create forms and instructions that are accurate, can be easily understood and impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex.

The estimated average time to complete and file this notice is 15 minutes.

If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you may write to: U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Avenue, N.W.,3rd floor, Suite 3008, Washington, DC 20529. **Do not mail your completed notice to this address.**

OMB No. 1615-0076; Expires 08/31/08

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

I-865, Sponsor's Notice of Change of Address

START HERE- Please type or print in black ink.

For USCIS Use Only

Returned	**Receipt**
Date	
Resubmitted	
Date	
Date	

Action Block

Remarks

Part 1. Information about you, the sponsor.

Family Name | Given Name | Middle Name

Date of Birth *(mm/dd/yyyy)* | Place of Birth *(City, State/Province /Country)*

A Number *(if any)* | U.S. Social Security Number

Your current status- (*check one*)

I am a ☐ U.S. Citizen ☐ Lawful Permanent Resident

NOTE: If you became a U.S. citizen following the filing of your Form I-864, Affidavit of Support, or submission of a prior Form I-865 address change, include a copy of proof of your U.S. citizenship (example: naturalization certificate, certificate of citizenship, U.S. passport) with this notice.

Your New Home Address - Street Number and Name; include apt. # if applicable.

City | State or Province

Zip/Postal Code | Country

Effective Date of Change of Address | Daytime Telephone *(Area/Country Code)*

E-Mail Address *(if any)*

Your New Mailing Address - NOTE: You do not need to complete this section if your new mailing address is the same as your new home address above.

Street Number and Name; include apt.#, if applicable.

C/O (*in care of*): | City | State or Province | Zip/Postal Code

Effective Date of Change of Address | Daytime Telephone *(Area/Country Code)* | E-Mail Address *(if any)*

Part 2. Information on sponsored immigrant(s). *(If more than one person, continue this part on a separate sheet(s) of paper.)*

Provide the requested information on the person(s) your are sponsoring:.

Family Name | Given Name | Middle Name | A #

Part 3. Sponsor's Signature. *(Read the information on penalties in the instructions before completing this part.)*

I certify, under penalty of perjury under the laws of the United States of America, that all the information provided on this notice is true and correct.

Signature | **Date** *(mm/dd/yyyy)*

Part 4. Signature of person preparing form, if other than above. *(Sign below.)*

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

Preparer's Signature | **Preparer's Printed Name** | **Date** *(mm/dd/yyyy)*

Preparer's Firm Name *(if applicable)* | **Preparer's Address**

Daytime Phone Number *(with area code)* | Fax Number *(if any)* | E-Mail Address *(if any)*

SEYFARTH SHAW LLP
ATTORNEYS

ENTRY WITHOUT INSPECTION

(EWI)

I. Introduction

Entry without inspection, commonly referred to as "EWI," describes the situation in which a foreign national enters the U.S. without clearing the typical customs process administered by a Customs and Border Protection ("CBP") officer. These materials aim to clarify the difference between entry to the U.S. and admission to the U.S., the potential consequences of entering the U.S. without being properly inspected at the border, and the possible solutions to these consequences.

II. Entry vs. Admission

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA" or "the Act"), which took effect on April 1, 1997, revised the grounds of deportation and inadmissibility. The Act replaced entry without inspection ("EWI") as a ground of deportation with a ground of inadmissibility for being present in the U.S. without admission or parole. According to the Immigration & Nationality Act ("INA"), admission is "the lawful entry of the alien into the United States after inspection and authorization by an immigration officer." INA §101(a)(13)(A). Therefore, simply crossing the U.S. border, without inspection and authorization, does not equate to "admission" to the U.S.

Individuals who are not lawfully admitted and enter without inspection are deemed to be inadmissible, as if they had been detained at the border. See INA §212(a)(6)(A)(i). Similarly, someone who enters without inspection is considered an applicant for admission under INA §235(a)(1). Because someone who enters without inspection is an applicant for admission who is inadmissible under INA §212(a)(6)(A)(i), s/he qualifies for parole into the U.S. under 8 U.S.C. 1182(d)(5)(A) even if s/he does not meet the definition of an "arriving alien" under 8 C.F.R. §1.1(q). However, even those who enter without inspection are still considered to have made an "entry" for other purposes. For example, these individuals still have due process rights.

III. Expedited Removal

Under IIRIRA, Congress mandated a procedure for expedited removal of persons deemed inadmissible at the border under INA §212(a)(6)(C) [material misrepresentation] and INA §212(a)(7)[lack of immigrant visa or nonimmigrant visa documents]. In addition, expedited removal is appropriate for an individual who is:

1. Not admitted or paroled into the U.S., which includes someone who enters without inspection, who is unable to prove s/he has been in the U.S. continuously for 2 or more years [INA §235(b)(1)(A)(iii)(I)-(II)];

2. Present in the U.S., without having been admitted or paroled, who is encountered within 100 miles of the border, and who cannot establish that s/he has been physically present in the U.S. continuously for the preceding 14 days; or

3. Arriving in the U.S. by sea (except Cubans) unless s/he was in the U.S. for 2 years prior to the determination of inadmissibility.

There are exceptions to the exercise of expedited removal. Expedited removal should not be used in situations in which the individual seeks asylum; is a native or citizen of Cuba seeking entry at an airport; is a Lawful Permanent Residents (LPR) or person granted refugee or asylee status; is lawfully admitted; is a minor; or seeks admission under the Visa Waiver Program (VWP).

Procedurally, Customs and Border Protection ("CBP") detains the individual pending removal from the U.S. There is no administrative review, except where a person claims under penalty of perjury to: have been lawfully admitted for lawful permanent residence; have been admitted as a refugee; or have been granted asylum. In addition, there is no judicial review, except through habeas corpus, but even then only to determine whether the person is an alien, was ordered removed, is an LPR, or was granted refugee or asylum status.

IV. Deportation

Deportation, also known as removal, may occur for a number of reasons. In this context, deportation results when one is inadmissible at time of entry. This includes someone who has entered without inspection. Therefore, an individual who enters without inspection may be subject to deportation.

V. Unlawful Presence

According to the INA, unlawful presence occurs when an individual is present in the U.S. "after the expiration of the period of stay authorized by the Attorney General or is present in the U.S. without being admitted or paroled." INA §212(a)(9)(B)(ii). Stated differently, unlawful presence occurs when one remains in the U.S. after the expiration of his/her status or is present without admission or parole – i.e. entry without inspection. ALL time after one enters without inspection counts as unlawful presence.

The length of unlawful presence one accrues is critical, as different bars to admission attach after certain periods of unlawful presence. First, there is a three (3) year bar, which applies to a person who is unlawfully present in U.S. for more than 180 consecutive days but less than one year and who voluntarily departs the U.S. before commencement of proceedings. In this situation, the individual is barred from readmission to the U.S. for three (3) years from the date of the person's departure or removal. See INA §212(a)(9)(B)(i)(I). As such, for the three year bar to take effect, three conditions must be present: (1) departure; (2) prior to the commencement of removal proceedings; and, (3) after unlawful presence of more than 180 days and less than one year. Thus, if a person departs after or at the conclusion of commencement of

proceedings, s/he is not subject to the 3 year bar. In addition, if a person is granted voluntary departure after proceedings are initiated, she is not subject to the 3 year bar.

Waivers of the three year bar do exist. The exceptions are limited to individuals fitting into the following categories: battered spouses and children and victims of trafficking; nonimmigrants; and situations involving extreme hardship. The standard for extreme hardship is high, and requires that the alien have a spouse or parent who is a U.S. citizen or LPR. The exception only applies if the denial of the waiver would result in extreme hardship to the spouse or parent of the alien. Although the court listed factors to be considered in *Matter of Anderson* (16 I. & N. Dec. 596 (BIA 1978)), the key to receiving this waiver is not to apply the factors mechanically, but to develop a theory of the case and make it unique. To apply for a waiver, one submits Form I-601 along with Form I-485, Application to Register Permanent Residence or Adjust Status.

Second, there is a ten (10) year bar, which applies to a person who has been unlawfully present in the U.S. for one year or more consecutively and again seeks admission. In this situation, the person is barred for ten years from the date of such person's departure or removal from the U.S. INA §212(a)(9)(B)(i)(II). Thus, for the ten year bar to attach, there are two conditions: (1) departure; and, (2) having been unlawfully present in the U.S. for more than one year. It is important to note that one is subject to the ten year bar whether or not s/he departs during or after proceedings. The same waiver options apply to the ten year bar as are available for the three year bar.

Third, there is a permanent bar, under section 212(a)(9)(C)(i), which applies a lifetime bar to admission if one has been unlawfully present in the U.S. for an aggregate period of more than 1 year or has been ordered removed under section 235(b)(1) [expedited removal for arriving aliens], section 240 [removal proceedings commenced after 4/1/97], or any other provision of law, *and* enters or attempts to reenter the U.S. without being admitted. Exceptions exist, including a waiver after ten years from the foreign national's last departure from the U.S., a waiver for battered spouses and children, and those with benefits under section 245(i) of the INA.

VI. Solutions to Unlawful Presence Bars

There are two solutions to the unlawful presence bars.

First, one could apply for Adjustment of Status to that of a lawful permanent resident. It is important to remember that the bars require a departure from the U.S., and one applies to adjust his/her status to that of a permanent resident from within the U.S. Two forms exist, but we will focus on the traditional form under section 245(a).

This type of application to adjust status requires that one be admitted or paroled into the U.S. (a condition that one who entered without inspection does not meet), and that one is not disqualified under 245(c) [unauthorized employment, failure to maintain continuous, lawful nonimmigrant status, crewmen, those admitted under the VWP; transits without visas; and terrorists]. However, two critical exceptions exist for: (1) battered spouses and children (for all

categories listed above), and (2) immediate relatives (for failure to maintain nonimmigrant status, unauthorized employment, and entry under the VWP). Therefore, the adjustment of status option provides an excellent solution for the spouse of a U.S. citizen who enters the U.S. legally and may have overstayed his or her status for a certain period. It is not a solution for an individual who entered the U.S. illegally to begin with *unless* the individual qualifies under INA section 245(i) (applicable to certain individuals who had a petition filed on their behalf before April 301, 2001). Procedurally, the U.S. citizen spouse files Form I-130, Petition for Alien Relative along with Form I-485, Application to Register Permanent Residence or Adjust Status. This form is attached to the documents in this manual relating to adjustment of status applications.

Second, one may file a Petition for Special Immigrant on Form I-360. This petition is filed concurrently with the Adjustment of Status application (Form I-485) if the individual is:

1. A foreign national who served honorably on active duty after October 15, 1978;

2. A foreign national who originally enlisted outside of the U.S. under a treaty or agreement in effect on October 1, 1991 for a period(s) aggregating:

    a. 12 years, and the foreign national was never separated from such service except under honorable conditions; or,

    b. 6 years, the foreign national is now on active duty, and s/he reenlisted to incur a total active duty obligation of 12 years;

3. A foreign national is a national of an independent state which maintains a treaty or agreement allowing nationals of that state to enlist in the U.S. armed forces each year; and,

4. The executive department under which the foreign national served/is serving has recommended him/her for this special immigrant status.

Remember that during a time of war, individuals who serve on active duty in the U.S. military may be eligible to naturalize (become U.S. citizens) without ever having been lawful permanent residents. Even those individuals who have never held legal status in the U.S. may immediately become U.S. citizens through military service in such circumstances. See the section of this manual regarding naturalization for details.

OMB No. 1615-0029; Expires 02/28/09

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

Instructions for I-601, Application for Waiver of Grounds of Inadmissibility

Instructions

Please read these instructions carefully to properly complete this form. If you need more space to complete an answer, use a separate sheet(s) of paper. Write your name and Alien Registration Number (A #), if any, at the top of each sheet of paper and indicate the section and number of the item to which the answer refers.

What Is the Purpose of This Form?

An alien who is ineligible to be admitted to the United States as an immigrant or to adjust status in the United States, and certain nonimmigrant applicants who are inadmissible, must file this form to seek a waiver of certain grounds of inadmissibility.

Who May File This Form?

1. An immigrant visa applicant;
2. Any applicant for adjustment of status;
3. A K-1 or K-2 nonimmigrant visa applicant (see Special Instructions);
4. A K-3, K-4, or V nonimmigrant visa applicant;
5. A Temporary Protected Status (TPS) applicant;
6. A Nicaraguan Adjustment and Central American Relief Act (NACARA) applicant;
7. A Haitian Refugee Immigrant Fairness Act (HRIFA) applicant;
8. A Violence Against Women Act (VAWA) self-petitioner

who is inadmissible to the United States pursuant to the Immigration Nationality Act (INA) section 212 and who seeks a waiver of the following grounds of inadmissibility:

A. Health-related grounds (INA section 212(a)(1));

B. Certain criminal grounds (INA section 212(a)(2));

C. Immigrant Membership in Totalitarian Party (INA section 212(a)(3)(D));

D. Immigration fraud or misrepresentation (INA section 212(a)(6)(C)) **except** that a waiver under INA section 212(i) is not available, if you are inadmissible based on a false claim to be a U.S. citizen (INA section 212(a)(6)(C)(ii)), and if you made your false claim on or after September 30, 1996;

E. Smugglers (INA section 212(a)(6)(E)) and Being Subject of Civil Penalty (INA section 212(a)(6)(F));

F. The Three-year or Ten-year bar (INA section 212(a)(9)(B));

G. Certain ground of inadmissibility, if filed by an applicant for TPS;

H. INA section 212(a)(9)(A)(Aliens Previously Removed) and (9)(C)(Unlawfully Present After Previous Immigration Violations), if filed by a NACARA or HRIFA adjustment applicant;

I. INA section 212(a)(9)(C)(Unlawfully Present After Previous Immigration Violations) for a VAWA self-petitioner.

If the application is filed to waive a communicable disease of public health significance, and the applicant is incompetent to file, a qualified family member listed in "Specific Filing Instructions, 1. Applicants With Communicable Diseases," may file the waiver application on the applicant's behalf.

Note: Except as provided in Title 8, Code of Federal Regulations (CFR), part 204.313(g)(1)(ii) for convention adoption cases, if you seek a waiver of grounds of inadmissibility in connection with your application for an immigrant visa or adjustment of status and the waiver is granted, the waiver is valid indefinitely even if you do not obtain your immigrant visa, immigrant admission, or adjustment of status, or if you otherwise lose your legal permanent resident status. If you obtained the waiver in connection with an application for lawful permanent residence on a conditional basis pursuant to section 216 of the Act, the validity of the waiver automatically ceases with the termination of such residence; no separate notification of termination of the waiver is needed, and the termination of the waiver cannot be appealed. However, if the immigration judge determines that you are not removable based on the termination of your conditional resident status, the waiver will become effective again. Also, a waiver granted in relation to a TPS application is only valid for the TPS application.

General Instructions

Step 1. Fill Out Form I-601

1. When filling out the form, type or print legibly in black ink.
2. If extra space is needed to complete any item, attach a continuation sheet, indicate the item number, and date and sign each sheet.
3. Answer all questions fully and accurately. If the answer is not applicable write "N/A." If the answer is none, write "none."
4. Applicant's Signature. Pursuant to 8 CFR 103.2(a)(2), you or the qualified family member filing the application on your behalf must sign this application personally. A parent or legal guardian may also sign the application for someone under the age of 14, and a duly appointed legal guardian may sign for an adult who is incompetent to sign the application.
5. Preparer's Signature. If an individual, other than the applicant, or a qualified family member prepared the application, that individual must sign and date the application and provide the information requested.

6. Any documentation submitted to the U.S. Citizenship and Immigration Services (USCIS) that is in a foreign language or which contains foreign language must be accompanied by a full and complete English translation. The translator must certify that he or she is fluent in English and the language contained in the document, and that he or she is competent to translate from the foreign language into English. The translator must furthermore certify that the translation is complete and accurate.
7. The application has to be signed by the applicant and submitted with the required fee. If the application is not properly signed and submitted with the required fee, the application will be returned as incomplete. Please see "Specific Instructions" for additional reasons why the application may be rejected.

Specific Instructions

Note: If this form is approved, the waiver that is granted will apply **ONLY** for those grounds of inadmissibility and those crimes, incidents, events, or conditions that you have included in your application. For this reason, it is important that you disclose all grounds of inadmissibility for which you seek a waiver.

Special Note to K-1 and K-2 Nonimmigrant Visa Applicants

Because you do not yet have the requisite relationship to a citizen or lawful permanent resident of the United States to qualify for a waiver, you must enter one of the following in Block B:

If you are a fiancé(e) of a U.S. citizen:

- Complete items B.1, B.2, B.3, and B.5 with information regarding the U.S. citizen who filed a fiancé(e) petition on your behalf; and
- Indicate "Prospective Spouse" in item B.4 (Relationship to Applicant).

If you are the child of a fiancé(e) of a U.S. citizen and will be less than 18 years old when your parent marries such person:

- Complete items B.1, B.2, B.3, and B.5 with information regarding the U.S. citizen who filed a fiancé(e) petition on your parent's behalf; and
- Indicate "Prospective Step-child" in item B.4 (Relationship to Applicant)

If you are the child of a fiancé(e) of a U.S. citizen, and will be at least 18 years but less than 21 years old when your parent marries such person:

- Complete items B.1, B.2, and B.3 with information regarding your parent who will marry the U.S. citizen who filed a fiancé(e) petition on your parent's behalf; and
- Indicate "Child" in item B.4 (Relationship to Applicant); and
- Indicate "Prospective LPR" in item B.5 (Immigration Status).

If, upon review of your application, USCIS determines that you will be eligible for a immigrant waiver from inadmissibility once you have (or your parent has) celebrated a bona fide marriage to the U.S. citizen who filed the K visa petition, USCIS will conditionally approve the waiver application. The condition imposed on the approval is that you (or your parent) and the U.S. citizen who filed the K visa petition celebrate a bona fide marriage within the statutory time frame of three (3) months from the day of your (or your parent's) admission. Despite the conditional approval, USCIS may ultimately deny Form I-601 if you (or your parent) do not marry the U.S. citizen who filed the K visa petition and if you (or your parent) do not seek and receive permanent residence on the basis of that marriage.

Applicants Seeking a Waiver of Health-Related Grounds of Inadmissibility

1. Applicants With Communicable Diseases

If you have a communicable disease that has been determined to be of public health significance, you must complete the application and provide the information as requested in the form.

Communicable diseases of public health significance are defined in 42 CFR 34.2(b) and include but are not limited to:

A. Class A Tuberculosis condition, as per U.S. Department of Health and Human Services (HHS) regulations;

B. Human Immunodeficiency Virus (HIV) Infection;

C. Chancroid;

D. Gonorrhea;

E. Granuloma inguinale;

F. Lymphogranuloma venerum;

G. Syphilis, infectious stage;

H. Leprosy, infectious;

I. Any other communicable disease as determined by the U.S. Secretary of Health and Human Services and as defined at 42 CFR 34.2(b).

The application may be approved if:

A. You are the spouse, parent, the unmarried son or daughter, or the minor unmarried lawfully adopted child of a U.S. citizen or of an alien lawfully admitted for permanent residence, or of an alien who has been issued an immigrant visa, or if you are the fiancé(e) of a U.S. citizen or the fiancé(e)'s child; or

B. You are a VAWA self-petitioner.

For specific information pertaining to applicants with a Class A Tuberculosis condition as per HHS regulations, or HIV, please see number two (2) or three (3) below.

2. Applicants With Class A Tuberculosis Condition as Per HHS Regulations

If you have been diagnosed with a Class A Tuberculosis condition as per HHS regulations, page three (3) of this form must be completed.

If page three (3) of the application is not completed, the application will be returned to you without further action.

3. Applicants With HIV Infection

If you have an HIV infection, page four (4) of this form must be completed.

If page four (4) of the application is not completed, the application will be returned to you without further action. The information provided in page four (4) must establish that the danger to the public health of the United States and the possibility of the spread of infection created by your admission to the United States is minimal. In addition, you must establish that no government agency will incur any cost for your treatment without that agency's prior consent.

4. Applicants With Physical or Mental Disorder and Associated Harmful Behavior (INA section 212(a)(1)(A)(iii))

If you have a physical or mental disorder and behavior associated with the disorder that may pose, has posed, or will pose a threat to the property, safety, or welfare of you or others, you should file this form, and a waiver may be granted pursuant to INA section 212(g)(3). You should also submit this form if you have a history of such a physical or mental disorder and a history of behavior associated with the disorder that has posed a threat to your property, safety, or welfare or the property, safety, or welfare of others, and if the behavior is likely to recur or to lead to other harmful behavior.

In addition to this form, you must submit a complete medical history and a report that addresses the following:

A. Your physical or mental disorder, and the behavior associated with the disorder that poses, posed, or may pose in the future a threat to the property, safety, or welfare of you or other individuals. The report should also provide details of any hospitalization, institutional care, or any other treatment you may have received in relation to this physical or mental disorder;

B. Findings regarding your current physical condition, including, if applicable, reports of chest X-rays and a serologic test, if you are 15 years of age or older, and other pertinent diagnostic tests; and

C. Findings regarding the current mental or physical condition, including a detailed prognosis that should specify, based on a reasonable degree of medical certainty, the possibility that the harmful behavior is likely to recur or that other harmful behavior associated with the disorder is likely to occur; and

D. A recommendation concerning treatment that is reasonably available in the United States and that can reasonably be expected to significantly reduce the likelihood that the physical or mental disorder will result in harmful behavior in the future.

The medical report will be referred to the U.S. Public Health Service for review and, if found acceptable, you will be required to submit such additional assurances as the U.S. Public Health Service may deem necessary in your particular case.

5. Applicants Seeking to Waive the Vaccination Requirement

If you seek an exemption from the vaccination requirement because the vaccination would be against your religious beliefs or moral convictions, you should file this form. You should establish with evidence that:

A. You are opposed to vaccinations in any form;

B. The objection is based on religious belief or moral conviction; and

C. The belief or conviction is sincere.

Applicants Seeking a Waiver of Certain Criminal Grounds of Inadmissibility and Immigration Fraud or Misrepresentation Pursuant to INA Sections 212(h) and (i)

1. Criminal Grounds

If you are found to be inadmissible based on criminal grounds, you may seek a waiver of inadmissibility for the following:

A. A crime involving moral turpitude (other than a purely political offense);

B. A controlled substance violation according to the laws and regulations of any country insofar as it relates to a single offense of simple possession of 30 grams or less of marijuana;

C. Two (2) or more convictions other than purely political ones, for which the aggregate sentences to confinement were five (5) years or more;

D. Prostitution;

E. Unlawful commercialized vice whether or not related to prostitution; and

F. Certain aliens involved in serious criminal activity, who have asserted immunity from prosecution.

With the application, you will have to establish that:

A. You are inadmissible only because of your participation in prostitution, including having procured others for prostitution or having received the proceeds of prostitution, but that you have been rehabilitated and your admission to the United States will not be contrary to the national welfare, safety, or security of the United States; **OR**

B. At least 15 years have passed since the activity or event that makes you inadmissible, that you have been rehabilitated, and that your admission to the United States or the issuance of the immigrant visa will not be contrary to the national welfare, safety, or security of the United States; **OR**

C. Your qualifying U.S. citizen or legal permanent resident relative (spouse, son, daughter, parent), or K visa petitioner would experience extreme hardship if you were denied admission; **OR**

D. You are an approved VAWA self-petitioner.

For information about how you can establish extreme hardship, please see "What Evidence Should Be Submitted With the Application?" (Page six (6)).

Note: If you are convicted of a violent or dangerous crime, the waiver may not be approved unless there is an extraordinary circumstance, such as one involving national security or foreign policy consideration, or if the denial of your admission would result in exceptional and extremely unusual hardship. Even if that standard is met, your waiver may still be denied. See 8 CFR 212.7(d).

2. Immigration Fraud or Misrepresentation

If you are inadmissible because you have sought to procure an immigration benefit by fraud or misrepresenting a material fact (INA section 212(a)(6)(C)(i)), you may seek a waiver by filing this form. This waiver may be approved if you can establish that:

A. Your qualifying U.S. citizen or legal permanent resident relative (spouse, parent), or the K visa petitioner would experience extreme hardship if you were denied admission;

OR

B. You are a VAWA self-petitioner, and that you, your U.S. citizen or lawful permanent resident parent or child may experience extreme hardship if you were denied admission.

For information about how you can establish extreme hardship, please see "What Evidence Should Be Submitted With the Application?" (Page six (6)).

Applicants Seeking a Waiver for Immigrant Membership in a Totalitarian Party (INA section 212(a)(3)(D)(i))

If you are inadmissible for having been a member of or affiliated with the Communist or any other totalitarian party (or subdivision or affiliate thereof) whether domestic or foreign, you may apply for a waiver pursuant to INA section 212(a)(3)(D)(iv), if you are the parent, spouse, son, daughter, brother, or sister of a citizen of the United States or a spouse, son, or daughter of an alien lawfully admitted for permanent residence, or if you are the fiancé(e) of a U.S. citizen. The waiver may be granted for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest, if you are not a threat to the security of the United States.

Applicants Seeking a Waiver for Smuggling under INA section 212(a)(6)(E) and Being Subject of Civil Penalty (INA section 212(a)(6)(F))

If you are inadmissible for having engaged in alien smuggling (INA section 212(a)(6)(E)(i), you may apply for a waiver pursuant to INA section 212(d)(11) that may be granted for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest, if you have encouraged, induced, assisted, abetted, or aided only an individual who at the time of such action was your spouse, parent, son, or daughter (and no other individual) to enter the United States in violation of the law, and;

1. If you are an alien lawfully admitted for permanent residence who temporarily proceeded abroad voluntarily and not under an order of removal and who is otherwise admissible to the United States as a returning resident under INA section 211(b); or

2. If you are seeking admission or adjustment of status as an immediate relative as an immigrant under INA section 203(a)(Preference allocation for family-sponsored immigrants based on the first, second or third preference, but not the fourth preference) or as the fiancé(e) (or his or her child(ren) of a U.S. citizen.

If you are inadmissible because you have been the subject of a final order for violation of INA section 247C, you may apply for a waiver pursuant to INA section 212(d)(12) that may be granted for humanitarian purposes or to assure family unity, if no previous civil money penalty was imposed against you under INA section 247C, and the offense was committed solely to assist, aid, or support your spouse or child (and not another individual), and

1. If you are an alien lawfully admitted for permanent residence who temporarily proceeded abroad voluntarily and not under an order of deportation or removal and who is otherwise admissible to the United States as a returning resident under INA section 211(b); or
2. If you are seeking admission or adjustment of status under INA section 201(b)(2)(A) as an immediate relative, as an immigrant under INA section 203(a) (Preference allocation for family-sponsored immigrants) or as the fiancé(e) (or his or her child(ren) of a U.S. citizen.

Applicants Seeking a Waiver of Inadmissibility Based on the Three-Year or Ten-Year Bar Pursuant to INA Section 212(a)(9)(B)(v)

If you are inadmissible because you have been unlawfully present in the United States in excess of either 180 days (three (3)-year bar) or one (1) year (10-year bar), you may seek a waiver by filing this form.

The waiver may be granted if:

A. Your qualifying U.S. citizen or legal permanent resident relative (spouse, parent), or the K visa petitioner would experience extreme hardship if you were denied admission.

For TPS applicants and VAWA self-petitioners, see special instructions below.

For information about how you can establish extreme hardship, please see "What Evidence Should Be Submitted With the Application?" (Page six (6)).

TPS Applicants Seeking a Waiver of Grounds of Inadmissibility Pursuant to INA Section 244

If you are a TPS applicant applying for a waiver of any grounds of inadmissibility listed in INA section 212, your waiver may be granted for humanitarian purposes to assure family unity or when it is otherwise in the public interest.

No waiver of inadmissibility is available to TPS applicants for the following grounds of inadmissibility:

A. INA Section 212(a)(2)(A), (B) or (C) (except for a single offense of simple possession of 30 grams or less of marijuana);

OR

B. INA Section 212(a)(3)(A), (B), (C), or (E).

Note: A waiver that is granted in relation to an application for TPS is valid only for purposes of your application for TPS. If you seek an immigrant visa or adjustment of status, you may need to apply for an additional waiver at that time.

NACARA and HRIFA Applicants Seeking a Waiver From Inadmissibility Based on Prior Removal (INA Section 212(a)(9)(A)) or Unlawful Presence After Previous Immigration Violations (INA Section 212(a)(9)(C))

If you are a NACARA or HRIFA applicant for adjustment of status pursuant to section 202 of NACARA or section 902 of HRIFA, who is inadmissible under INA section 212(a)(9)(A) or INA section 212(a)(9)(C) of the Act, you may apply for a waiver of these grounds of inadmissibility while present in the United States. You seek this waiver by filing Form I-601, rather than Form I-212 that is used to obtain "Consent to Reapply" under INA section 212(a)(9)(A)(iii) or (C)(ii).

When adjudicating your waiver application, USCIS will consider the same factors that would be considered if you were seeking "Consent to Reapply." Factors that may be considered include, but are not limited to:

A. The length of time you have lived in the United States, whether lawfully or unlawfully;

B. Whether you have any criminal records;

C. Your immigration history in the United States;

D. Your family ties to U.S. citizens or to aliens living lawfully in the United States;

E. Whether the denial of your application will impose hardship on you or on these relatives, and the degree of that hardship;

F. Whether granting your waiver application is likely to result in your ability to immigrate lawfully;

G. Your employment history in the United States and the continued need for your services;

H. Whether you are a person of good moral character;

I. Any other factor that you believe USCIS should consider in deciding your case.

In addition to this form, you should submit a brief statement indicating why USCIS should grant your waiver application, and any documentary evidence that may be available to support your factual claims. Although hardship to a relative who is a U.S. citizen or an alien who is living lawfully in the United States, is not specifically required by statute, this factor can play a significant role in establishing why USCIS should grant your application.

For information about how you can establish hardship, please see "What Evidence Should Be Submitted With the Application?" (Page six (6)).

Approved I-360 VAWA Self-Petitioner and His or Her Child(ren) Seeking a Waiver of Inadmissibility Pursuant to Section 212(a)(9)(C)(iii)

The INA provides special forms of relief for an approved VAWA self-petitioner and his or her child(ren) who are applying for adjustment of status or an immigrant visa but who are inadmissible under certain provisions of INA section 212(a)(6)(A)(i), section 212(a)(9)(B)(i), or section 212(a)(9)(C)(i). **You should only file this Form I-601 to seek a waiver of inadmissibility pursuant to INA section 212(a)(9)(C)(i); you do not need to file this form, if you are inadmissible under INA sections 212(a)(6)(A)(i) or 212(a)(9)(B)(i), as explained in the "Note" below.**

If you are inadmissible under INA section 212(a)(9)(C)(i): INA section 212(a)(9)(C)(i) makes inadmissible an alien who is unlawfully present for more than one (1) year, in the aggregate, or who has been ordered removed, and subsequently enters or attempts to reenter without being admitted. USCIS has discretion to waive this ground of inadmissibility under INA section 212(a)(9)(C)(iii) for an approved VAWA self-petitioner, and his or her child(ren), if the VAWA self-petitioner can establish a "connection" between the battery or extreme cruelty that is the basis for the VAWA claim, the unlawful presence and departure, or the removal, and his or her subsequent unlawful entry or attempted reentry into the United States. If you seek such a waiver, complete Form I-601 and attach evidence that shows the connection between the battery or extreme cruelty that is the basis for your VAWA claim, the unlawful presence and your departure, or your removal from the United States, and your unlawful entry or attempted reentry into the United States.

Note: You do not need to file Form I-601 if you are an approved VAWA self-petitioner and his or her child(ren) seeking adjustment of status, and if you are inadmissible under INA section 212(a)(6)(A)(i) (Presence in the United States without admission or parole, or arrival in the United States other than at an open port of entry) or INA section 212(a)(9)(B) (Three-year bar or Ten-year bar to admissibility because of prior unlawful presence). Under INA section 212(a)(6)(A)(ii) or INA section 212(a)(9)(B)(iii)(IV), an approved VAWA self-petitioner and his or her child(ren) can claim exceptions from these grounds of inadmissibility.

A. You may be exempt from inadmissibility under INA section 212(a)(6)(A)(i) if you, the approved VAWA self-petitioner, can establish a "substantial connection" between the battery or extreme cruelty that is the basis for your VAWA claim and your unlawful arrival in the United States.

B. You may be exempt from inadmissibility under INA section 212(a)(9)(B)(i) if you, the approved VAWA self-petitioner, can establish a "substantial connection" between the battery or extreme cruelty that is the basis for your VAWA claim and the violation of your prior nonimmigrant admission.

In order to claim any of these exceptions, you should submit evidence of the "substantial connection" with your Form I-485, Application to Register Permanent Residence or Adjust Status, or your immigrant visa application. If you are inadmissible under INA section 212(a)(6)(A)(i), and entered on or before April 1, 1997, you do not need to provide evidence of the "substantial connection." Also, because INA section 212(a)(6)(A)(i) inadmissibility ends when you depart the United States, you do not have to submit evidence of a "substantial connection" with an immigrant visa application.

What Evidence Should Be Submitted With the Application?

Please pay close attention to the qualifying family relationship that you have to establish if you apply for a hardship waiver. While the relationships appear to be similar, the various waiver provisions contain different qualifying family relationships.

Also, please pay close attention to the requirements that need to be established to have a particular ground of inadmissibility waived, as listed in the "Specific Instructions."

In support of your application, you should provide evidence that establishes why you may qualify for a waiver of inadmissibility. Depending on the type of waiver, this information and evidence may include but is not limited to:

A. Affidavits from you or other individuals in support of your application;

B. Police reports from any country you lived in;

C. Complete court records regarding any conviction or charge from any country;

D. If applicable, evidence of rehabilitation;

E. Any evidence you may wish to submit to establish that your admission to the United States would not be against national welfare or national security;

F. Medical reports;

G. If you are applying for a waiver because you are the spouse, parent, son, or daughter of a U.S. citizen or an alien lawfully admitted for permanent residence, or the fiancé(e) of a U.S. citizen, you have to attach evidence that demonstrates your denial of admission would result in **extreme hardship** to the U.S. citizen or legal permanent resident spouse, son, daughter or parent, or your U.S. citizen fiancé(e). Such evidence can include but is not limited to:

1. Evidence establishing the family relationship (birth certificate, marriage certificate, etc.);
2. Presence of legal permanent resident or U.S. citizen family ties to the United States;
3. The qualifying relative's family ties outside the United States;
4. Country conditions in the country you would have to relocate and the qualifying relative's family ties to that country;
5. The financial impact of departure from the United States;
6. Significant health conditions, and if appropriate, what type of treatment and suitable medical care is available in that country;
7. The impact of separation;
8. Other conditions that impact the relocation, such as economic and social conditions impacting quality of life, technical skills, etc.

H. If you are a VAWA self-petitioner and you seek a waiver under INA section 212(a)(9)(C)(iii), submit any evidence that you believe establishes a connection between the battery or extreme cruelty that is the basis for the VAWA claim, your unlawful presence and your departure, or your removal, and your unlawful return or attempted unlawful return.

Note: Your application should be supported by documentary evidence, or you should have a detailed explanation why such evidence cannot be obtained. Mere assertions will not suffice. Medical assertions should be supported by a professional's statement.

Where To File?

The application and supporting documents should be taken or mailed to the following locations:

1. If you are outside the United States, you should submit Form I-601 to the U.S. Embassy or consulate where you are applying for a visa.
2. If you are in the United States and filing Form I-601 together with Form I-485, Application To Register Permanent Residence or Adjust Status, you should file the I-485/I-601 at the filing location specified on the I-485. Please see I-485 filing instructions.
3. If you are in the United States and your I-485 is currently pending, you should file the I-601 with the USCIS office or Service Center where your I-485 is **CURRENTLY** pending.
4. If you are in removal proceedings, you should file this application with the office of the Executive Office for Immigration Review (EOIR) with jurisdiction over your case, and according to the instructions that are provided to you in court. For information about EOIR, please visit EOIR's website at **www.usdoj.gov/eoir**.

What Is the Filing Fee?

No fee is required, if you are filing this application to have waived the following grounds of inadmissibility:

1. Class A Tuberculosis condition, as per HHS regulations; or
2. A physical or mental disorder with associated harmful behavior or a history of such a disorder that is likely to recur.

All other applications must be accompanied by a fee of **$545.** The fee cannot be refunded, regardless of the action taken on the application. **Do not mail cash. All fees must be submitted in the exact amount.**

Note: As stated on page 2 of these instructions, the approval of a Form I-601 waives only those events and the resulting grounds of inadmissibility that you have specifically identified in the application. You should specify on this Form I-601 every ground of inadmissibility for which you seek a waiver. You may file just one application, and pay just one filing fee, if you request more than one type of waiver or a waiver for more than one event or condition that makes you inadmissible. If you do not include all applicable events or grounds of inadmissibility in your application, you may need to file an additional Form I-601 and pay an additional fee to request any additional waiver(s).

Use the following guidelines when you prepare your check or money order for the Form I-601 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 check or money order payable to **U.S. Department of Homeland Security**, unless:

   A. If you live in Guam and are filing your petition there, make it payable to **Treasurer, Guam**.

B. If you live in the U.S. Virgin Islands and are filing your petition there, make it payable to **Commissioner of Finance of the Virgin Islands.**

C. If you live outside the United States, Guam, or the U.S. Virgin Islands, contact the nearest U.S. Embassy or consulate for instructions on the method of payment.

Note: Please 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, it will be converted 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 will be shown on your regular account statement.

You will not receive your original check back. We will destroy your original check, but we will keep a copy of it. If the EFT cannot be processed for technical reasons, you authorize us to process the copy in place of your original check. If the EFT cannot be completed because of insufficient funds, we may try to make the transfer up to two times.

How to Check If the Fees Are Correct.

The form fee on this form is current as of the edition date appearing in the lower right corner of this page. However, because USCIS fees change periodically, you can verify if the fees are correct by following one of the steps below:

1. Visit our website at **www.uscis.gov**, select "Immigration Forms" and check the appropriate fee;
2. Review the Fee Schedule included in your form package, if you called us to request the form; or
3. Telephone our National Customer Service Center at **1-800-375-5283** and ask for the fee information.

Address Changes

If you change your address and you have an application or petition pending with USCIS, you may change your address on-line at **www.uscis.gov**, click on "Change your address with USCIS," and follow the prompts. Or you may complete and mail Form AR-11, Alien's Change of Address Card, to:

U.S. Citizenship and Immigration Services
Change of Address
P.O. Box 7134
London, KY 40742-7134

For commercial overnight or fast freight services only, mail to:

U.S. Citizenship and Immigration Services
Change of Address
1084-I South Laurel Road
London, KY 40744

Processing Information

Any Form I-601 that is not signed or accompanied by the correct fee will be rejected with a notice that the Form I-601 is deficient. You may correct the deficiency and resubmit the Form I-601. An application or petition is not considered properly filed until accepted by USCIS.

Initial processing. Once a Form I-601 has been accepted, it will be checked for completeness, including submission of the required initial evidence. If you do not completely fill out the form, or file it without required initial evidence, you will not establish a basis for eligibility, and we may deny your Form I-601.

Requests for more information or interview. We may request more information or evidence, or we may request that you appear at a USCIS office for an interview. We may also request that you submit the originals of any copy. We will return these originals when they are no longer required.

Decision. The decision on a Form I-601 involves a determination of whether you have established eligibility for the requested benefit. You will be notified of the decision in writing.

USCIS Forms and Information

To order USCIS forms, call our toll-free number at **1-800-870-3676.** You can also get USCIS forms and information on immigration laws, regulations, and procedures by telephoning our National Customer Service Center at **1-800-375-5283** or visiting our Internet website at **www.uscis.gov.**

As an altenative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our Internet-based system, **InfoPass.** To access the system, visit our website. Use the **InfoPass** appointment scheduler and follow the screen prompts to set up your appointment. **InfoPass** generates an electronic appointment notice that appears on the screen.

Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with this Form I-601, we will deny the Form I-601 and may deny any other immigration benefit.

In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.

Privacy Act Notice

We ask for the information on this form, and associated evidence, to determine if you have established eligibility for the immigration benefit for which you are filing. Our legal right to ask for this information can be found in the Immigration and Nationality Act, as amended. We may provide this information to other government agencies. Failure to provide this information, and any requested evidence, may delay a final decision or result in denial of your Form I-601.

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 OMB control number. The public reporting burden for this collection of information is estimated at 90 minutes per response, including the time for reviewing instructions, completing and submitting the form. 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, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529. OMB No. 1615-0029. **Do not mail your application to this address.**

OMB No. 1615-0029; Expires 02/28/09

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

I-601, Application for Waiver of Grounds of Inadmissibility

Do not write in this block. For Government use only.

☐ 212 (a) (1) ☐ 212 (a) (6)
☐ 212 (a) (2) ☐ 212 (a) (9)
☐ 212 (a) (3)

Fee Stamp

TPS Applicant: _____ (specify ground(s))

A. Information about applicant

1. Family Name (Surname In CAPS) (First) (Middle)

2. Address (Number and Street) (Apartment Number)

3. (Town or City) (State/Country) (Zip/Postal Code)

Telephone Number E-Mail Address

4. Date of Birth *(mm/dd/yyyy)*

5. USCIS File Number
A-

6. City/Province-State of Birth

7a. Country of Birth

7b. Country of Citizenship/Nationality

8. Date of Visa Application

9. Visa Applied for at:

10. Reason for Inadmissibility: (Please include a statement explaining the acts, convictions, and medical conditions that make you inadmissible. If you seek a waiver of inadmissibility because you have a Class A Tuberculosis condition (as per HHS regulations), you must complete page 3 of this form. If you seek a waiver because you have a HIV infection, you must complete page 4 of this form. Applicants with physical or mental disorders must attach the information requested in the instructions.)

11. Applicant was previously in the United States, as follows:

City and State	From (Date)	To (Date)	Immigration Status

12. Applicant's U.S. Social Security Number (if any)

B. Information about relative, through whom applicant claims eligibility for a waiver

1. Family Name (Surname in CAPS) (First) (Middle)

2. Address (Number and Street) (Apartment Number)

3. (Town or City) (State) (Zip/Postal Code)

Telephone Number E-Mail Address

4. Relationship to Applicant

5. Immigration Status

FOR USCIS USE ONLY. DO NOT WRITE IN THIS AREA.

Initial receipt	Resubmitted	Relocated		Completed		
		Received	Sent	Approved	Denied	Returned

_____ **Copy**

C. Information about applicant's other relatives in the United States *(List only U.S. citizens and permanent residents)*

1. Family Name (Surname in CAPS) (First) (Middle)

2. Address (Number and Street) (Apartment Number)

3. (Town or City) (State) (Zip/Postal Code)

4. Relationship to Applicant 5. Immigration Status

1. Family Name (Surname in CAPS) (First) (Middle)

2. Address (Number and Street) (Apartment Number)

3. (Town or City) (State) (Zip/Postal Code)

4. Relationship to Applicant 5. Immigration Status

1. Family Name (Surname in CAPS) (First) (Middle)

2. Address (Number and Street) (Apartment Number)

3. (Town or City) (State) (Zip/Postal Code)

4. Relationship to Applicant 5. Immigration Status

Applicant's Signature and Certification.

I certify under penalty of perjury under the laws of the United States that this application and the evidence submitted with it are all true and correct to the best of my knowledge and abilities. I authorize the release of any information from my records that the U.S. Citizenship and Immigration Services (USCIS) needs to determine my eligibility for this waiver.

Signature of Applicant or Qualified Relative / Legal Guardian Date

Preparer's Signature and Certification.

I declare that this document was prepared by me at the request of the applicant or qualified relative/legal guardian of the applicant, and it is based on all information of which I have knowledge and/or was provided to me by the above named person in response to the exact questions contained on this form. I have not knowingly withheld any information.

Preparer's Signature Date

Preparer's Address Date

To Be Completed for Applicants With Class A Tuberculosis Condition (As Per HHS Regulations).

A. Statement by Applicant

Upon admission to the United States I will:

1. Go directly to the physician or health facility named in **Section B**;
2. Present all X-rays used in the visa medical examination to substantiate diagnosis;
3. Submit to such examinations, treatment, isolation, and medical regimen as may be required; and
4. Remain under the prescribed treatment or observation, whether on inpatient or outpatient basis, until discharged.

Signature of Applicant

Date

B. Statement by Physician or Health Facility

(May be executed by a private physician, health department or other public or private health facility, or military hospital.)

I agree to supply any treatment or observation necessary for the proper management of the alien's tuberculosis condition.

I agree to submit Form CDC 75.18, "Report on Alien with Tuberculosis Waiver," to the health officer named in **Section D**:

1. Within 30 days of the alien's reporting for care, indicating presumptive diagnosis, test results, and plans for future care of the alien; or
2. 30 days after receiving Form CDC 75.18, if the alien has not reported.

Satisfactory financial arrangements have been made. (This statement does not relieve the alien from submitting evidence, as required by consul, to establish that the alien is not likely to become a public charge.)

I represent (enter an "X" in the appropriate box and give the complete name and address of the facility below.)

- ☐ 1. Local Health Department
- ☐ 2. Other Public or Private Facility
- ☐ 3. Private Practice
- ☐ 4. Military Hospital

Name of Facility (Please type or print in black ink)

Address (Number and Street) **(Room/Suite Number)**

City, State and Zip Code

Signature of Physician **Date**

C. Applicant's Sponsor in the United States

Arrange for medical care of the applicant and have the physician complete **Section B**.

If medical care will be provided by a physician who checked **Box 2** or **3**, in **Section B**, have **Section D** completed by the local or State Health Officer who has jurisdiction in the United States area where the applicant plans to reside.

If medical care will be provided by a physician who checked **Box 4**, in **Section B**, forward this form directly to the military facility at the address provided in **Section B**.

Address in the United States where the alien plans to reside:

Address (Number and Street) (Apt #)

City, State and Zip Code

D. Endorsement of Local or State Health Officer

Endorsement signifies recognition of the physician or facility for the purpose of providing care for tuberculosis. If the facility or physician who signed his or her name in **Section B** is not in your health jurisdiction and not familiar to you, you may want to contact the health officer responsible for the jurisdiction of the facility or physician prior to endorsing.

Endorsed by: **Signature of Health Officer**

Date

Enter below the name and address of the Local Health Department where the "Notice of Arrival of Alien with Tuberculosis Waiver" should be sent when the alien arrives in the United States.

Official Name of Department

Address (Number and Street) (Room/Suite Number)

City, State and Zip Code

NOTE: If further assistance is needed, contact the USCIS office with jurisdiction over the intended place of U.S. residence of the applicant.

If you are approved for a waiver and after admission to the United States you fail to comply with the terms, conditions, and controls that were imposed, you may be subject to removal under Immigration and Nationality Act (INA) section 237(a).

To Be Completed for Applicants With Human Immunodeficiency Virus (HIV) Infection

A. Statement About Applicant

Upon admission to the United States I will:

1. Go directly to the physician or health facility named in **Section B**;
2. Present copies of diagnostic tests used in the visa examination to substantiate diagnosis;
3. Submit to counseling and such examinations, treatment, and medical regimen as may be required; and
4. Remain under prescribed treatment or observation, whether on inpatient or outpatient basis, until discharged.

Signature of Applicant

_____

Date _____

B. Statement by Physician or Health Facility

(May be executed by a private physician, health department, or other public or private facility, or military hospital.)

I agree to supply counseling and any treatment or observation necessary for the proper management of the alien's HIV infection condition.

I agree to submit a copy of my evaluation of the alien's condition to the health officer named in Section D and to the Division of Quarantine (E03), Centers for Disease Control and Prevention (CDC), Atlanta Georgia 30333:

1. Within 30 days of the alien's reporting for care, indicating plans for future care of the alien; or
2. A report that the alien has not reported within 30 days after receiving a notice from the Division of Quarantine, CDC.

Satisfactory financial arrangements have been made. (This statement does not relieve the alien from submitting evidence, as required by consul, to establish that the alien is not likely to become a public charge.)

I represent (enter an "x" in the appropriate box and give the complete name and address of the facility below:)

1. Local Health Department ☐
2. Other Public or Private Facility ☐
3. Private Practice ☐
4. Military Hospital ☐

Name of Physician or Facility (Please type or print)

_____

Address (Number & Street)

_____

City, State, & Zip Code

_____

Signature of Physician

_____

Date

C. Applicant's Sponsor in the United States

Arrange for medical care of the applicant and have the physician of facility complete **Section B**.

If medical care will be provided by a physician who checked box 2 or 3 in **Section B**, have **Section D** completed by the local or State Health Officer who has jurisdiction in the area where the applicant plans to reside in the United States.

If medical care will be provided by a physician who checked box 4 in **Section B**, forward this form directly to the military facility at the address provided in **Section B**.

Address where the alien plans to reside in the United States:

_____

Address (Number & Street) **APT No.**

_____

City, State, & Zip Code

_____

D. Endorsement of Local or State Health Officer

Endorsement signifies recognition of the physician or facility for the purpose of providing care for HIV infection. If the facility or physician who signed in Section B is not in your health jurisdiction and is not familiar to you, you may wish to contact the health officer responsible for the jurisdiction of the facility or physician prior to endorsing.

Endorsed by: Signature of Health Officer

_____

Date _____

Enter below the name and address of the Local Health Department to which the "Notice of Arrival of Alien with HIV infection Waiver" should be sent when the alien arrives in the United States.

Official Name of Department

_____

Address (Number & Street) **APT No.**

_____

City, State, & Zip Code

_____

Please read instructions with care.

NOTE: If further assistance is needed, contact the USCIS office with jurisdiction over the intended place of U.S. residence of the applicant.

If you are approved for a waiver and after admission to the United States you fail to comply with the terms, conditions, and controls that were imposed, you may be subject to removal under Immigration and Nationality Act (INA) section 237(a).

OMB No. 1615-0029; Expires 02/28/09

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

I-601, Application for Waiver of Grounds of Inadmissibility

Do not write in this block. For Government use only.

☐ 212 (a) (1) ☐ 212 (a) (6) Fee Stamp
☐ 212 (a) (2) ☐ 212 (a) (9)
☐ 212 (a) (3)
TPS Applicant: _____ (specify ground(s))

A. Information about applicant

1. Family Name (Surname In CAPS) (First) (Middle)

2. Address (Number and Street) (Apartment Number)

3. (Town or City) (State/Country) (Zip/Postal Code)

Telephone Number E-Mail Address

4. Date of Birth *(mm/dd/yyyy)* 5. USCIS File Number
A-

6. City/Province-State of Birth

7a. Country of Birth 7b. Country of Citizenship/Nationality

8. Date of Visa Application 9. Visa Applied for at:

10. Reason for Inadmissibility: (Please include a statement explaining the acts, convictions, and medical conditions that make you inadmissible. If you seek a waiver of inadmissibility because you have a Class A Tuberculosis condition (as per HHS regulations), you must complete page 3 of this form. If you seek a waiver because you have a HIV infection, you must complete page 4 of this form. Applicants with physical or mental disorders must attach the information requested in the instructions.)

11. Applicant was previously in the United States, as follows:

City and State	From (Date)	To (Date)	Immigration Status

12. Applicant's U.S. Social Security Number (if any)

B. Information about relative, through whom applicant claims eligibility for a waiver

1. Family Name (Surname in CAPS) (First) (Middle)

2. Address (Number and Street) (Apartment Number)

3. (Town or City) (State) (Zip/Postal Code)

Telephone Number E-Mail Address

4. Relationship to Applicant 5. Immigration Status

FOR USCIS USE ONLY. DO NOT WRITE IN THIS AREA.

Initial Receipt	Resubmitted	Relocated		Completed		
		Received	Sent	Approved	Denied	Returned

C. Information about applicant's other relatives in the United States *(List only U.S. citizens and permanent residents)*

1. Family Name (Surname in CAPS) (First) (Middle)

2. Address (Number and Street) (Apartment Number)

3. (Town or City) (State) (Zip/Postal Code)

4. Relationship to Applicant 5. Immigration Status

1. Family Name (Surname in CAPS) (First) (Middle)

2. Address (Number and Street) (Apartment Number)

3. (Town or City) (State) (Zip/Postal Code)

4. Relationship to Applicant 5. Immigration Status

1. Family Name (Surname in CAPS) (First) (Middle)

2. Address (Number and Street) (Apartment Number)

3. (Town or City) (State) (Zip/Postal Code)

4. Relationship to Applicant 5. Immigration Status

USCIS Use Only: Additional Information and Instructions

Signature and Title of Requesting Officer

Address Date

SEYFARTH ATTORNEYS SHAW LLP

IMMIGRATION CONSEQUENCES OF CRIMINAL ACTIVITY

I. Introduction

There are several possible immigration consequences when a noncitizen commits a crime. That individual can be rendered inadmissible to the U.S., may be removable (deportable), and/or may become ineligible for benefits such as naturalization. Individuals who have committed crimes may also become ineligible for waivers or other discretionary forms of relief. This document covers the most common criminal grounds of inadmissibility and removal. There are many non-criminal issues that may lead to inadmissibility or removal, including immigration status violations, which are not covered here.

It is recommended that if a criminal issue arises in even the most basic of immigration situations, an immigration attorney be consulted to assist in the development of a sound strategy for moving forward.

II. Criminal Grounds of Inadmissibility

Inadmissibility is a concern both for individuals seeking to enter the U.S. and for those seeking an immigration benefit within the U.S. Someone who is inadmissible will not be allowed to enter the U.S. without a waiver. That person will also be ineligible to adjust status in the U.S. (become a lawful permanent resident or green-card holder). The grounds of inadmissibility apply to individuals at the port of entry, seeking to be paroled, those who entered without inspection, and returning lawful permanent residents as described in the chart below.

A. Seeking Admission

Generally, an individual who is already a lawful permanent resident (LPR) will not be considered to be "seeking admission" when he or she enters the U.S. from abroad. However, if that LPR has been outside of the U.S. for 180 days or more, has committed a crime while outside of the U.S., or, while in the U.S. committed a crime rendering himself inadmissible to the U.S. under § 212(a)(2) of the Immigration and Nationality Act (a crime involving moral turpitude, multiple criminal convictions, drug trafficking, prostitution, or certain other offenses), that LPR will be considered to be "seeking admission" and will thus be subject to the rules covering inadmissibility.

B. Waivers

Waivers of inadmissibility are available in some situations. A list of the crimes leading to inadmissibility, along with potential exceptions and waivers, are listed in the chart below.

The most common waiver of inadmissibility is the 8 C.F.R. § 212(d)(3) temporary nonimmigrant waiver. This is granted by Customs and Border Protection (CBP) and is theoretically available in almost any situation; in practice, CBP has a great deal of discretion.

CBP follows 3 criteria to determine whether to issue a waiver: (1) the risk of harm to society if the applicant is admitted to the U.S.; (2) the seriousness of the applicant's criminal law or immigration law violation; and (3) the nature of the applicant's reason for seeking entry.

An individual can apply by first obtaining original fingerprints at the local police station in his or her country of record and submitting them to the proper authorities to obtain an official criminal record check. The fingerprints and record check must then be submitted with Form I-192 (a copy is attached) and Form G-325A. The applicant must also submit a statement describing his or her criminal history, rehabilitation, purpose for entering the U.S., and the length of the expected visit.

The filing fee is $545. An $80 biometrics fee may apply as well. This application is generally submitted to the local office with jurisdiction over the port-of-entry where the non-immigrant will enter the United States, but in some circumstances it may be submitted in person at certain ports of entry in Canada or at U.S. consulates or embassies abroad.

Criminal Grounds of Inadmissibility: INA § 212(a)(2)-(3)

Step 1: Did the alien commit a specified criminal act?
- Crime involving moral turpitude (CIMT) [212(a)(2)(A)(i)(I)]
- Crime involving a controlled substance [212(a)(2)(A)(i)(II)]
- Multiple criminal convictions [212(a)(2)(B)]
- Prostitution (engaged in or procuring) [212(a)(2)(D)]
- Commercialized vice [212(a)(2)(D)(iii)]
- Controlled substances trafficking [212(a)(2)(C)]
- Human trafficking [212(a)(2)(H)]
- Money laundering [212(a)(2)(I)]
- Terrorism [212(a)(3)(B)]

Step 2: If so, does an exception apply?
(These exceptions only apply to CIMTs)
- Alien was under 18 when he/she committed the crime *and*
- Has been out of jail for at least 5 years *or*
- Maximum penalty was 1 year or less *and* the actual sentence was 6 months or less

[212(a)(2)(A)(ii)]

Step 3: If no exception, is a criminal waiver available?

Family Preference Waiver [§ 212(h)(1)(B)]:
- Alien is the spouse, parent, son or daughter of a USC or an LPR *and*
- There is a finding of extreme hardship to the USC or LPR.
- This is discretionary and very difficult to obtain.

Elapsed Time Waiver: [§ 212(h)(1)(A]):
- 15 years have elapsed since commision of crime
- Admission not contrary to national welfare *and*
- Alien has been "rehabilitated."

Note: waivers unavailable for most drug crimes, murder, torture, or for LPRs who have committed aggravated felonies or have not continuously resided in the U.S. in the past 7 years.

Step 3: If no exception, is a nonimmigrant waiver available?
- INA § 212(d)(1) national interest waiver
- INA § 212(d)(3) temporary nonimmigrant waiver

III. Criminal Grounds for Removal

Removal (deportation) is a concern for any non-citizen in the U.S. People who were inadmissible at the time that they entered the U.S. or adjusted status are generally removable. Criminal offenses rendering an individual removable include the following:

- Commission of a Crime Involving Moral Turpitude (CIMT) within 5 years of admission to the U.S. if a sentence of 1 year or more "may be imposed." **INA § 237(a)(2)(A)(i)**
- Multiple CIMTs "not arising out of a single scheme." **INA § 237(a)(2)(A)(ii)**
- Aggravated Felony as defined in INA § 101(a)(43). **INA § 237(a)(2)(A)(iii)**
- Violation of any law relating to a controlled substance (other than a single offense involving possession for one's own use of 30 grams or less of marijuana). **INA § 237(a)(2)(B)(i)**
- Drug abuse and/or addiction **INA § 237(a)(2)(B)(ii)**
- Firearms offenses **INA § 237(a)(2)(C)**
- Domestic violence, stalking, or child abuse **INA § 237(a)(2)(E)**
- Espionage or terrorism **INA § 237(a)(4)**
- Others – see **INA § 237.**

Note that this list only includes crimes that render individuals deportable. Immigration status violations and other circumstances may also lead to deportation.

IV. Crimes Involving Moral Turpitude

Commission of a CIMT is a ground of inadmissibility and a ground for removal. A CIMT is not defined in the Immigration and Naturalization Act. Most courts use the definition found in Black's Law Dictionary: "an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellow men, or to society in general, contrary to the accepted and customary rule of right and duty between man and man." Others define it as "[a]nything done contrary to justice, honesty, principle or good morals" or "an act that was at common law intrinsically and morally wrong."

Examples of crimes held to constitute CIMTs include voluntary and involuntary manslaughter, tax evasion, possession of stolen property, consensual heterosexual anal intercourse, and making a false statement in an application for federal student financial aid. Crimes not held to constitute CIMTs include possession of an altered immigration document, aiding an alien to enter the U.S. unlawfully, carrying a concealed weapon, and escape from

prison. Many of these crimes, however, may be classified as aggravated felonies, thus rendering the alien who committed them removable all the same.

V. Aggravated Felonies

If an alien commits an aggravated felony, he or she is not only removable but is also ineligible for cancellation of removal, voluntary removal, or asylum. He or she will also face a lifetime bar from the U.S.

Aggravated felonies include the following: murder, rape sexual abuse of a minor, trafficking in a controlled substance, trafficking in firearms, money laundering, a crime of violence with a term of imprisonment of at least one year, a crime relating to child pornography, a RICO offense, running a prostitution business, gambling offenses for which a year or more of imprisonment may be imposed, alien smuggling (with exceptions), forgery or counterfeiting a passport, and others.

VI. Relief from Removal

In certain circumstances, an individual can avoid deportation. This is important because an individual who has been deported will face a bar from reentering the United States; this bar may last five, ten, or twenty years or may be permanent.

A. Registry

Certain individuals who entered the U.S. before 1972 who have continuously resided in the U.S., who are eligible for citizenship, and who are not terrorists, may be able to become a lawful permanent resident and avoid removal. Note that in most criminal deportation cases, this form of relief will not be available because the alien will not be able to show the "good moral character" needed to become a U.S. citizen.

B. Voluntary Departure

In some cases, an individual may be allowed to "voluntarily" depart the U.S. This is beneficial, as no removal will be on that person's record, and no bar will apply for reentry. Note that in criminal cases, the individual is likely to be inadmissible in any event, but inadmissibility is easier to overcome than a bar on reentry.

C. Cancellation of Removal

1. Lawful Permanent Residents who have resided continuously in the U.S. for 7 years and who have not been convicted of an aggravated felony may have the removal order cancelled. This is discretionary relief based on many factors (some factors include the following: family ties in the U.S., length of time in the U.S., hardship to the individual or his family, service in the armed forces, value and service to the community, history of employment, and the seriousness of the crime).

2. Nonimmigrants who have been physically present for 10 years immediately before the date of application for cancellation may request cancellation of removal in non-criminal cases. This requires a showing of extremely unusual hardship to a U.S. citizen or LPR spouse, parent or child and is discretionary.

D. INA § 212(h):

This form of relief from inadmissibility is applicable to deportation cases as well. It requires a finding of extreme hardship to the alien's U.S. citizen or LPR spouse, parent, or child and is difficult to obtain. It is unavailable for most drug crimes, murder, torture, or for aggravated felony convictions.

I-192, Application for Advance Permission to Enter as Nonimmigrant [Pursuant to Section 212(d)(3) of the INA]

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

Action by the Department of Homeland Security	
☐ **Granted, subject to revocation at any time, upon the following terms and conditions:**	DATE OF ACTION
	DD OR OIC
	OFFICE

Instructions

Please read these instructions carefully to properly complete this form. If you need more space to complete an answer, use a separate sheet(s) of paper. Write your name and Alien Registration Number (A #), if any, at the top of each sheet of paper and indicate the section and number of the item to which the answer refers.

What Is the Purpose of This Form?

For an alien who is otherwise not permitted to enter the United States to apply for permission to temporarily enter the United States.

Where to File?

File this form with the local office with jurisdiction over the port-of-entry where the non-immigrant will enter the United States.

What Is the Filing Fee?

The filing fee for a Form is **$545.00**

Use the following guidelines when you prepare your check or money order for the Form I-192.

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 check or money order payable to **U.S. Department of Homeland Security**, unless:
   - **A.** If you live in Guam and are filing your petition there, make it payable to **Treasurer, Guam**.
   - **B.** If you live in the U.S. Virgin Islands and are filing your petition there, make it payable to **Commissioner of Finance of the Virgin Islands**.
   - **C.** If you live outside the United States, Guam, or the U.S. Virgin Islands, contact the nearest U.S. consulate or embassy for instructions on the method of payment.

NOTE: Please 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, it will be converted 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 will be shown on your regular account statement.

You will not receive your original check back. We will destroy your original check, but we will keep a copy of it. If the EFT cannot be processed for technical reasons, you authorize us to process the copy in place of your original check. If the EFT cannot be completed because of insufficient funds, we may try to make the transfer up to two times.

How to Check If the Fees Are Correct.

The form and biometric fees on this form are current as of the edition date appearing in the lower right corner of this page. However, because USCIS fees change periodically, you can verify if the fees are correct by following one of the steps below:

1. Visit our website at **www.uscis.gov**, select "Immigration Forms" and check the appropriate fee;
2. Review the Fee Schedule included in your form package, if you called us to request the form; or
3. Telephone our National Customer Service Center at **1-800-375-5283** and ask for the fee information.

Address Changes.

If you change your address and you have an application or petition pending with USCIS, you may change your address on-line at **www.uscis.gov**, click on "Change your address with USCIS" and follow the prompts or by completing and mailing Form AR-11, Alien's Change of Address Card, to:

U.S. Citizenship and Immigration Services
Change of Address
P.O. Box 7134
London, KY 40742-7134

For commercial overnight or fast freight services only, mail to:

U.S. Citizenship and Immigration Services
Change of Address
1084-I South Laurel Road
London, KY 40744

Processing Information.

If the application is made because the applicant may be inadmissible due to present or past membership in or affiliation with any Communist or other totalitarian party or organization, there shall be attached to the application a written statement of the history of the applicant's membership or affiliation, including the period of such membership or affiliation, whether the applicant held any office in the organization, and whether membership or affiliation was voluntary or involuntary. If involuntary membership or affiliation is alleged, there shall also be attached to the application a written statement to support said allegation.

If the application is made because the applicant may be inadmissible due to disease, mental or physical defect, or disability of any kind, the application shall describe the disease, defect or disability. If the purpose of seeking admission to the United States is for treatment, there shall be attached to the application statements in writing to establish:

1. That satisfactory treatment cannot be obtained outside the United States;
2. That arrangements have been completed for treatment, and where and from treatment will be received;
3. What financial arrangements for payment of expenses incurred in connection with the treatment have been made; and
4. That a bond will be available if required by the Secretary of Homeland Security.

If the application is made because the applicant may be inadmissible due to conviction of crime, the designation of the crime, date and place of its commission and of conviction thereof, and sentence or other judgment of the court shall be stated in the application. In such case the application should be supplemented by an official record of conviction and any other documents relating to commutation of sentence, parole, probation or pardon.

USCIS Forms and Information.

To order USCIS forms, call our toll-free number at **1-800-870-3676**. You can also get USCIS forms and information on immigration laws, regulations and procedures by telephoning our National Customer Service Center at **1-800-375-5283** or visiting our internet website at **www.uscis.gov**.

As an altenative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our internet-based system, **InfoPass**. To access the system, visit our website. Use the **InfoPass** appointment scheduler and follow the screen prompts to set up your appointment. **InfoPass** generates an electronic appointment notice that appears on the screen.

Penalties.

If you knowingly and willfully falsify or conceal a material fact or submit a false document with this application, we will deny the benefit you are filing for, and may deny any other immigration benefit. In addition, you will face severe penalties provided by law, and may be subject to criminal prosecution.

Privacy Act Notice.

We ask for the information on this form, and associated evidence, to determine if you have established eligibility for the immigration benefit for which you are filing. Our legal right to ask for this information can be found in the Immigration and Nationality Act, as amended. We may provide this information to other government agencies. Failure to provide this information, and any requested evidence, may delay a final decision or result in denial of your Form I-192.

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 OMB control number. The public reporting burden for this collection of information is estimated at 15 minutes per response, including the time for reviewing instructions, completing and submitting the form. 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, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529. OMB No. 1615-0017. **Do not mail your application to this address.**

OMB No. 1615-0017; Expires 09/30/08

I-192, Application for Advance Permission to Enter as Nonimmigrant

[Pursuant to Section 212(d)(3) of the INA]

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

(Please read instructions on Page 2 and 3.)

Fee Stamp

File No. A- _____

I hereby apply to the Secretary of Homeland Security for permission to enter the United States temporarily under the provisions of section 212(d)(3) of the Immigration and Nationality Act (INA).

1. Full Name *(Print)*	**2.** Date of Birth *(mm/dd/yyyy)*
3. Place of Birth *(City-Town, State/Province, Country)*	**4.** Present Citizenship/Nationality
5. Present Address	
6. All Addresses at which I have resided during the past five years. *(Use separate sheet of paper, if necessary.)*	
7. Desired Port of Entry into the United States.	**8.** Means of Transportation
9. Proposed Date of Entry	**10.** Approximate Length of Stay in the United States.
11. My purpose for entering the United States is: *(Explain fully)*	
12. I believe I may be inadmissible to the United States for the following reasons and no others:	
13. I ☐ have ☐ have not previously filed an application for advance permission to enter as a nonimmigrant on _____, _____, at _____.	

14. I understand that the information herein contained may be used in any proceedings (including civil or criminal judicial proceedings, or deportation or removal proceedings) hereafter instituted against me.

I certify that the statements above and all attachments hereto are true and correct to the best of my knowledge and belief.

_____ (Signature of Applicant) _____ (Date)

15. **Signature of person preparing form, if other than applicant.**

I declare that this document was prepared by me at the request of the applicant and is based on all information of which I have any knowledge.

_____ (Signature) _____ (Address) _____ (Date)

RECEIVED	TRANS. IN	RET'D TRANS. OUT	COMPLETED

OMB No. 1615-0008; Exp. 05/31/09

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

G-325A, Biographic Information

(Family Name)	(First Name)	(Middle Name)	☐ Male ☐ Female	Birth Date (mm/dd/yyyy)	Citizenship/Nationality	File Number A
All Other Names Used (Including names by previous marriages)			City and Country of Birth			U.S. Social Security # *(If any)*

	Family Name	First Name	Date, City and Country of Birth (If known)	City and Country of Residence
Father				
Mother (Maiden Name)				

Husband or Wife (If none, so state.)	Family Name (For wife, give maiden name)	First Name	Birth Date (mm/dd/yyyy)	City and Country of Birth	Date of Marriage	Place of Marriage

Former Husbands or Wives (If none, so state) Family Name (For wife, give maiden name)	First Name	Birth Date (mm/dd/yyyy)	Date and Place of Marriage	Date and Place of Termination of Marriage

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

Street and Number	City	Province or State	Country	From Month	From Year	To Month	To Year
						Present Time	

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

Street and Number	City	Province or State	Country	From Month	From Year	To Month	To Year

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

Full Name and Address of Employer	Occupation (Specify)	From Month	From Year	To Month	To Year
				Present Time	

Show below last occupation abroad if not shown above. (Include all information requested above.)

This form is submitted in connection with an application for: ☐ Naturalization ☐ Other (Specify): _____ ☐ Status as Permanent Resident	**Signature of Applicant** Date
Submit all copies of this form.	If your native alphabet is in other than Roman letters, write your name in your native alphabet below:

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

Applicant: Be sure to put your name and Alien Registration Number in the box outlined by heavy border below.

Complete This Box (Family Name)	**(Given Name)**	**(Middle Name)**	**(Alien Registration Number)**

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

G-325A, Biographic Information

(Family Name)	(First Name)	(Middle Name)	☐ Male ☐ Female	Birth Date (mm/dd/yyyy)	Citizenship/Nationality	File Number A
All Other Names Used (Including names by previous marriages)			City and Country of Birth			U.S. Social Security # *(If any)*

	Family Name	First Name	Date, City and Country of Birth (If known)	City and Country of Residence
Father				
Mother (Maiden Name)				

Husband or Wife (If none, so state.)	Family Name (For wife, give maiden name)	First Name	Birth Date (mm/dd/yyyy)	City and Country of Birth	Date of Marriage	Place of Marriage

Former Husbands or Wives (If none, so state) Family Name (For wife, give maiden name)	First Name	Birth Date (mm/dd/yyyy)	Date and Place of Marriage	Date and Place of Termination of Marriage

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

Street and Number	City	Province or State	Country	From Month	From Year	To Month	To Year
						Present Time	

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

Street and Number	City	Province or State	Country	From Month	From Year	To Month	To Year

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

Full Name and Address of Employer	Occupation (Specify)	From Month	From Year	To Month	To Year
				Present Time	

Show below last occupation abroad if not shown above. (Include all information requested above.)

This form is submitted in connection with an application for: ☐ Naturalization ☐ Other (Specify): _____ ☐ Status as Permanent Resident	**Signature of Applicant**	Date
Submit all copies of this form.	If your native alphabet is in other than Roman letters, write your name in your native alphabet below:	

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

Applicant: Be sure to put your name and Alien Registration Number in the box outlined by heavy border below.

Complete This Box (Family Name)	**(Given Name)**	**(Middle Name)**	**(Alien Registration Number)**

See Instructions on **Page 5**

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

G-325A, Biographic Information

(Family Name)	(First Name)	(Middle Name)	☐ Male ☐ Female	Birth Date (mm/dd/yyyy)	Citizenship/Nationality	File Number A
All Other Names Used (Including names by previous marriages)			City and Country of Birth			U.S. Social Security # *(If any)*

	Family Name	First Name	Date, City and Country of Birth (If known)	City and Country of Residence
Father				
Mother (Maiden Name)				

Husband or Wife (If none, so state.)	Family Name (For wife, give maiden name)	First Name	Birth Date (mm/dd/yyyy)	City and Country of Birth	Date of Marriage	Place of Marriage

Former Husbands or Wives (If none, so state) Family Name (For wife, give maiden name)	First Name	Birth Date (mm/dd/yyyy)	Date and Place of Marriage	Date and Place of Termination of Marriage

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

Street and Number	City	Province or State	Country	From Month	From Year	To Month	To Year
						Present Time	

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

Street and Number	City	Province or State	Country	From Month	From Year	To Month	To Year

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

Full Name and Address of Employer	Occupation (Specify)	From Month	From Year	To Month	To Year
				Present Time	

Show below last occupation abroad if not shown above. (Include all information requested above.)

This form is submitted in connection with an application for: ☐ Naturalization ☐ Other (Specify): _____ ☐ Status as Permanent Resident	**Signature of Applicant**	Date
Submit all copies of this form.	If your native alphabet is in other than Roman letters, write your name in your native alphabet below:	

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

Applicant: Be sure to put your name and Alien Registration Number in the box outlined by heavy border below.

Complete This Box (Family Name)	**(Given Name)**	**(Middle Name)**	**(Alien Registration Number)**

See Instructions on **Page 5**

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

G-325A, Biographic Information

(Family Name)	(First Name)	(Middle Name)	☐ Male ☐ Female	Birth Date (mm/dd/yyyy)	Citizenship/Nationality	File Number A
All Other Names Used (Including names by previous marriages)			City and Country of Birth			U.S. Social Security # *(If any)*

	Family Name	First Name	Date, City and Country of Birth (If known)	City and Country of Residence
Father				
Mother (Maiden Name)				

Husband or Wife (If none, so state.)	Family Name (For wife, give maiden name)	First Name	Birth Date (mm/dd/yyyy)	City and Country of Birth	Date of Marriage	Place of Marriage

Former Husbands or Wives (If none, so state) Family Name (For wife, give maiden name)	First Name	Birth Date (mm/dd/yyyy)	Date and Place of Marriage	Date and Place of Termination of Marriage

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

Street and Number	City	Province or State	Country	From Month	From Year	To Month	To Year
						Present Time	

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

Street and Number	City	Province or State	Country	From Month	From Year	To Month	To Year

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

Full Name and Address of Employer	Occupation (Specify)	From Month	From Year	To Month	To Year
				Present Time	

Show below last occupation abroad if not shown above. (Include all information requested above.)

This form is submitted in connection with an application for: ☐ Naturalization ☐ Other (Specify): _____ ☐ Status as Permanent Resident	**Signature of Applicant**	Date
Submit all copies of this form.	If your native alphabet is in other than Roman letters, write your name in your native alphabet below:	

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

Applicant: Be sure to put your name and Alien Registration Number in the box outlined by heavy border below.

Complete This Box (Family Name)	**(Given Name)**	**(Middle Name)**	**(Alien Registration Number)**

Instructions

What Is the Purpose of This Form?

Complete this biographical information form and include it with the application or petition you are submitting to U.S. Citizenship and Immigration Services (USCIS).

USCIS will use the information you provide on this form to process your application or petition. Complete and submit all copies of this form with your petition or application.

If you have any questions on how to complete the form, call our National Customer Service Center at **1-800-375-5283**.

Privacy Act Notice.

We ask for the information on this form and associated evidence to determine if you have established eligibility for the immigration benefit you are seeking. Our legal right to ask for this information is in 8 USC 1101 and 1255. We may provide this information to other Government agencies. Failure to provide this information may delay a final decision or result in denial of your application or petition.

Paperwork Reduction Act Notice.

A person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

We try to create forms and instructions that are accurate, can be easily understood and that impose the least possible burden on you to provide us with information. Often this is diffi cult because some immigration laws are very complex.

The estimated average time to gather the requested information, complete the form and include it with the appropriate application or petition for filing purposes is 15 minutes. If you have any comments regarding the accuracy of this estimate or suggestions for making this form simpler, write to U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Avenue, N.W., Washington, D.C. 20529; OMB No. 1615-0008. **Do not send your form to this Washington, D.C. address.**