

## **IMPORTANT:**

**This is a link to a simple pdf version of your Her Justice manual. Please download this document and then open it in Adobe Acrobat or Google Chrome in order to access all the features of this manual, including bookmarks and page thumbnails.**

**This training manual is intended for informational purposes only and to be used in consultation with a Her Justice mentor and should not be considered as a substitute for legal advice. Users should always consult with a qualified attorney regarding any specific legal questions or situations arising from their practice. The authors and publishers of this manual assume no responsibility for any errors or omissions contained herein, or for any consequences arising from its use.**

## **U-ADJUSTMENT OF STATUS**

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### **Manual 2025**



*ALERT: This Manual was finalized in March 2025 – any urgent immigration policy updates that went into effect after this date will be addressed by your Her Justice mentor and in the Training that accompanies this manual.*

*Please also refer to our accompanying Immigration Policy Updates Manual for additional information.*

# **U-AOS MANUAL 2025**

HER  JUSTICE

# U NONIMMIGRANT STATUS ADJUSTMENT OF STATUS

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# EXHIBIT 1

## ORIENTATION TO HER JUSTICE AND YOUR CASE

## **EXHIBIT 1 – ORIENTATION TO HER JUSTICE AND YOUR CASE**

- A. Exhibit 1 Table of Contents
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## **FREQUENTLY ASKED QUESTIONS**

Thank you for taking a pro bono case through Her Justice. We hope the following frequently asked questions will help guide your representation and troubleshoot some common challenges in pro bono work. Our manuals provide additional information and guidance specific to each type of case in our program. Of course, your mentor is always available to answer questions about legal strategy and client expectations as your case progresses.

### **1. What is my firm's relationship with Her Justice for the purpose of this matter?**

Her Justice is a consultant to the firm. We provide mentoring, training, sample documents, and will also review any written materials that you produce in the case. When we put a client on our waitlist, we explain to them that they will be represented directly by a firm, and that we will act as consultants to their lawyers. We assert attorney-client privilege over our direct communications with clients and over our communications with our pro bono teams.

We recommend that you explain this relationship to your client at your initial meeting so that they can be reminded of our relationship with the firm and understand that the firm should be their main point of contact going forward. We recommend that Her Justice be described in your retainer agreement as an outside consultant with whom you may have privileged and confidential discussions and share documents and information.

### **2. This is my first pro bono client and I don't feel like I understand their perspective on the case. What should I do?**

Our clients' culture and individual life histories influence their perspectives and priorities in making important decisions. It is possible that your client is making certain considerations in making these decisions or forming their perspective on their case that you are not aware of. This means that the perspective our client has on their case may vary significantly from you. Take this as an opportunity to explore sensitivity and cultural humility. Do not assume. Leave space for inquiry and introspection.

For more information, please see the Best Practices and Ethical Considerations section of this manual. Consult your mentor for further guidance.

### **3. What is required if my client and I do not speak the same languages?**

We are grateful to firms that take cases for clients with limited English proficiency, who are even less likely to have access to justice than our similarly situated clients with English fluency. In working with LEP clients it is paramount that you ensure they are accurately understanding the information you are providing them with and that you are understanding the needs they are communicating to you. To do this, work with qualified interpreters. Qualified is a relative term so please consider the nature of the conversation and the language capacity of the interpreter you are working with. It is best practice to work with a qualified interpreter - any staff member that demonstrates written and spoken fluency - at your firm that can consistently interpret during all calls and communications with your client. If that is not accessible to you, think creatively about the interpretation and translation services available to you. Ask your pro bono coordinator if it is possible to retain professional interpreter services, or assist you in reviewing the internal staff language capacity. For potentially non-sensitive information it may be appropriate to have a friend or family member interpret. **It is never appropriate to have a client's child interpret. It is never appropriate to rely on Google Translate or similar multilingual neural machines translation service.**

For more information, please see the Best Practices and Ethical Considerations section of this manual. Consult your mentor for further guidance.

### **4. What special considerations are there for working with domestic violence survivors?**

In 2024, 85% of Her Justice client self-identified as survivors of Intimate Partner Violence (IPV). Your representation may or may not be directly related to the abuse that they have experienced. Depending on your client's specific circumstances, there are multiple ways that your client's experiences as a survivor may impact your work together. It is best practice in the course of your representation to make your client's safety and autonomy paramount.

For more information, please see the Best Practices and Ethical Considerations, and What is Domestic Violence sections, and Appendix Resources of this manual. Consult your mentor for further guidance.

### **5. What special considerations are there for working with clients with physical or cognitive disabilities?**

Your client may have a physical, developmental, or emotional disability. Their disability may be the result of the abuse they've experienced. Their disability may or may not be diagnosed and may or may not be visible or obvious to you. Talk with your client about what, if any, accommodation is needed. Check in with your client periodically about what

they need in order to work most effectively with you throughout your representation, e.g., instead of handing them a written paper, ask if they are comfortable reading it to themselves or if they would like you to read it out loud to them. Be mindful of potential obstacles like the accessibility of your building or public transportation to get to your office or a court building.

For more information, please see the Best Practices and Ethical Considerations section of this manual. Consult your mentor for further guidance.

## **6. I am having trouble getting in contact with my client. What should I do?**

We emphasize to clients that your time is valuable, and that they must be responsive to their pro bono attorney's calls, and respectful of attorney time. It is important for attorneys, however, to remember that Her Justice clients typically fall within 200% of the federal poverty line (approximately \$30,000 for a household of one), are juggling multiple urgent needs, and are prioritizing accordingly. For example, in light of food or housing insecurities, your client may choose to forego buying cell phone minutes in order to put food on the table. We understand how this choice may impact you and your ability to communicate with your client, however, we ask for your understanding and compassion. We encourage you to speak with your client during your initial call and establish a safe back-up contact in case this situation arises. Be creative in contacting your client and responsive to their needs. Explore alternatives like using work email, text messages, or mail.

For more information, please see the Best Practices and Ethical Considerations section of this manual. Consult your mentor for further guidance.

## **7. My client has been late to meetings or hasn't shown up to court or my office. What should I do?**

We emphasize to clients that they should call you if they need to change or cancel their appointment, or if they are running late. It is helpful if the pro bono attorneys understand that it is not unusual for a client to have trouble keeping an appointment. Our clients are under-resourced. They may be experiencing a more pressing crisis, like an eviction, health crisis, or safety concern. It is possible that attending an appointment may require them to take time off work, pay for round-trip transportation, and coordinate childcare which they may not have the resources to do. Your client, especially at the beginning of your relationship, may feel uncomfortable or embarrassed to share why they cannot make an appointment with you. We ask for your understanding, compassion, patience, and flexibility in this matter. Please keep in mind that the handling and outcome of the case primarily affects the client and any accommodation that can be provided is greatly appreciated.

Consider whether the firm could pay for a car service or a MetroCard for the client if transportation is a barrier to effective representation. At your first meeting with the client, ask them about their work and childcare schedules so you can select meeting dates and times that are easy to keep. For example, if your case will involve court appearances, tell the client that they should expect to meet with you or attend court during business hours, and that they will have to ask for time off from work or arrange for childcare in order to do so. Plan to meet up early on the day of a court appearance, taking into account the likelihood of the client needing extra time to get to court from home with everything they need and childcare in place. These expectations should be clear at the outset of the case so that the client can plan and does not feel surprised or overwhelmed later on. We thank you for your patience and compassion and encourage you to use your time with your client efficiently, to keep the number of meetings manageable.

For more information, please see the Best Practices and Ethical Considerations section of this manual. Consult your mentor for further guidance.

### **8. My client wants me to help with a new case or another issue. What should I tell them?**

Remember that your firm is retained only for a specific case, and your retainer agreement should state the scope of the representation simply and specifically. For Family Court cases, we recommend that you specify the docket number for your case on the retainer, as you are not obligated to represent the client on future violation and modification petitions. While we encourage firms to assist clients if possible, with related cases, we do not recommend that the firm take on additional cases for a client without consulting with Her Justice or another legal services organization, if the new case is unrelated to family, matrimonial, or immigration work.

Be consistent with the client and maintain appropriate boundaries, remembering that you are their attorney for a discrete issue, and cannot provide social work services or unrelated legal services (for more information on these services, see Question 9, below). If the client has new legal issues, contact Her Justice for a new intake for the client. It is possible that Her Justice can provide advice or an appropriate referral. If the new issue is one that we would typically assist with, we can discuss whether the firm would like to expand its representation to include the new case (for example, the client now has an order of protection case in addition to a child support case).

### **9. I think my client needs to talk to a counselor or social worker. What should I do?**

The litigation process can be very stressful and upsetting for clients. Many clients have underlying mental health concerns, such as depression or post-traumatic stress disorder, or would benefit from extra support in making decisions about the trajectory of their cases.

Contact your mentor about connecting your client to the in-house social work program at Her Justice. If your client is a survivor of domestic violence or elder abuse, they also qualify for services at a New York City Family Justice Center (FJC). Your mentor can assist with making a referral. Many clients already have case managers assigned at their local FJC.

### **10. How can I get up to speed on the substantive law that affects my case?**

Our manuals provide an overview of the relevant law for each type of case that we mentor. In addition, we offer live and video training on every type of case, plus some additional advanced topics such as child support enforcement and division of pensions in a litigated divorce. It is imperative that you attend or view the relevant training before you start the case so that you are competent to answer basic questions that your client will have at the first meeting. Your mentor is available to answer your substantive law questions and provide guidance on any research you need to conduct, once you have viewed the training and reviewed our manual. It is also important to remember your general obligation as an attorney to familiarize yourself with the relevant law, so be sure to review, for example, the sections of the Family Court Act, Domestic Relations Law, Civil Practice Law and Rules, or applicable immigration laws you will be relying upon in your case.

### **11. I have a trial coming up in the Family or Supreme Court and I don't know where to begin. What should I do?**

Getting courtroom experience as the lead attorney is one reason that pro bono attorneys, and leadership at their firms, seek out our cases. Our staff attorneys have personally litigated many cases, but we are primarily your consultants on substantive law, client management, and case strategy, rather than trial advocacy skills. For general litigation practice skills (for example, understanding hearsay, entering exhibits into evidence, and conducting cross examination), remember that your firm's litigation department has in-house expertise and resources in addition to the knowledge we can provide.

### **12. I am going on secondment, parental or other extended leave, or leaving the firm—what happens to my client? Can Her Justice take the case back?**

The client has retained your firm, not any individual attorney, for pro bono representation. Her Justice is a pro-bono-first organization. With a relatively small staff of attorneys, we are able to mentor thousands of cases a year because the firms represent the clients directly, aided by our training and mentoring. Because of this leverage model, usually it is not possible for Her Justice to take the case back. Although it is possible to take on a client as an attorney working alone, it is best if the client has two associates in addition to a supervising partner. This will allow each attorney to accommodate very busy times for billable work and allows for seamless transition of cases in the event that an attorney



leaves the firm for any reason. If you are leaving, it is imperative that you find a replacement attorney at the firm before you go. The client should meet their new attorney with you, ideally in person, before you leave, and the new attorney should take possession of all files and materials. Contact Her Justice right away if you are leaving the firm for any significant period of time. Ultimately, when a pro bono attorney is no longer available to the client, it is the responsibility of the firm to re-staff the case. If your firm has taken an uncontested divorce that has become contested, and the firm has a policy against pro-bono contested matrimonial work, speak with your mentor immediately about your options.

## **BEST PRACTICES AND ETHICAL CONSIDERATIONS**

Thank you so much for your time, effort and energy in providing pro bono legal representation to our clients. This document is meant to provide some useful framing of the unique experiences and needs of our clients as well as some best practices and ethical considerations to guide you in your practice.

### **POVERTY IS A RACE AND GENDER EQUITY ISSUE**

The impacts of poverty are felt disproportionately amongst communities of color and communities with Limited English Proficiency (LEP) in New York City and New York State. A comprehensive study of poverty in New York City by the Poverty Tracker Research Group at Columbia University (2021) found that, before the pandemic, nearly one in five adults (or 1.2 million people) in New York City lived in poverty and more than 350,000 children (one in five) live in poverty<sup>1</sup>. Research from the New York State Comptroller shows that one quarter of New York's foreign born population lived below the poverty level in 2021 compared to 15% nationwide<sup>2</sup>. Further, a study by the Poverty Tracker Research Group at Columbia found that every year, from 2016 to 2019, Black and Latino New Yorkers were **twice** as likely as white New Yorkers to experience poverty; 22% of Black New Yorkers, 25% of Latino New Yorkers, 21% Asian New Yorkers lived in poverty from 2016 to 2019 compared to 12% of white New Yorkers.<sup>3</sup> Further, due to structural racism and discrimination, "roughly 40% of Black New Yorkers and 30% of Latino New Yorkers who exited poverty were pushed back below the poverty threshold just a year later"<sup>4</sup>. According to researchers at the Poverty Tracker Research Group at Columbia, "the interaction between racism, discrimination, and economic inequality leaves Black and Latino New Yorkers significantly more likely to endure material hardship than white New Yorkers<sup>5</sup>."

People of marginalized gender identity, referring to women and individuals who identify outside of the gender binary<sup>6</sup>, in New York City were more likely to experience all forms of disadvantage than cisgender<sup>7</sup> men<sup>8</sup>. In fact, families with female heads of household

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<sup>1</sup> Poverty Tracker Research Group at Columbia University. (2021). The State of Poverty and Disadvantage in New York City. Volume 3.

<sup>2</sup> New Yorkers in Need: A Look at Poverty Trends in New York State for the Last Decade (2022) New York State Comptroller Thomas P. DiNapoli

<sup>3</sup> Poverty Tracker Research Group at Columbia University. (2021). The State of Poverty and Disadvantage in New York City. Volume 3.

<sup>4</sup> Poverty Tracker Research Group at Columbia University. (2021). The State of Poverty and Disadvantage in New York City. Volume 3.

<sup>5</sup> Poverty Tracker Research Group at Columbia University. (2021). The State of Poverty and Disadvantage in New York City. Volume 3.

<sup>6</sup> The gender binary refers to the idea that there are only two genders

<sup>7</sup> Cisgender refers to someone whose gender identity is the same as the sex they were assigned at birth

<sup>8</sup> Poverty Tracker Research Group at Columbia University. (2021). The State of Poverty and Disadvantage in New York City. Volume 3.

experience poverty at more than two times the rate of all families and four times the rate of married couples.<sup>9</sup> A study conducted by Legal Services NYC (2016) found that Black Americans in same sex couples have poverty rates at least twice of those of different sex couples and Black people in same-sex couples are more than six times as likely to be impoverished than White men in same-sex couples<sup>10</sup>. This same study found that transgender Americans are nearly four times more likely to have a household income under \$10,000 per year than the population as a whole (15% vs. 4%)<sup>11</sup>.

## **HER JUSTICE CLIENT POPULATION**

Her Justice serves low-income folks of marginalized gender identities who reside in the 5 boroughs of New York with legal issues in the areas of family, matrimonial, and immigration law. Our clients' income falls 200% below the Federal Poverty Level (FPL), which was \$15,060 for a single person and \$62,400 for a family of 4 in 2024<sup>12</sup>. Poverty is "when an individual or household does not have the financial resources to meet basic needs such as food, clothing, and shelter, or alternatively, access to a minimum standard of living".<sup>13</sup> Our clients are 92% women of color, 85% self-identify as survivors of intimate partner violence, and 49% have Limited English Proficiency (LEP) and would need an interpreter to effectively engage in court proceedings<sup>14</sup>.

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<sup>9</sup> New Yorkers in Need: A Look at Poverty Trends in New York State for the Last Decade (2022) New York State Comptroller Thomas P. DiNapoli

<sup>10</sup> Legal Services NYC. (2016). Poverty is an LGBT Issue: An Assessment of the Legal Needs of Low-Income LGBT People. Legal Services NYC.

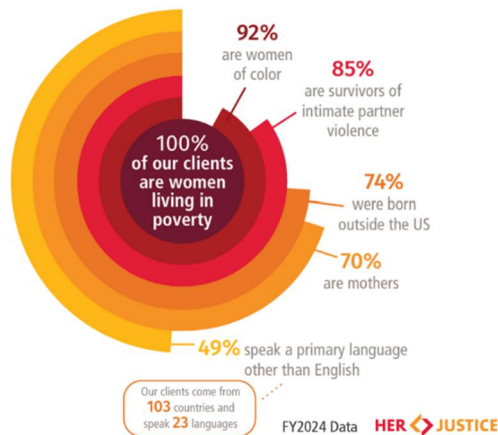
<sup>11</sup> Legal Services NYC. (2016). Poverty is an LGBT Issue: An Assessment of the Legal Needs of Low-Income LGBT People. Legal Services NYC.

<sup>12</sup> ASPE Office of the Assistant Secretary for Planning and Evaluation US Department of Health and Human Services Poverty Guidelines for 2024

<https://aspe.hhs.gov/sites/default/files/documents/1c92a9207f3ed5915ca020d58fe77696/detailed-guidelines-2023.pdf>

<sup>13</sup> New Yorkers in Need: A Look at Poverty Trends in New York State for the Last Decade (2022) New York State Comptroller Thomas P. DiNapoli

<sup>14</sup> Her Justice Annual Report FY 2022



Her Justice is a pro bono first organization which means we employ a small highly-skilled staff of attorneys that use their skills and expertise to educate and mentor pro bono attorneys, like yourself, on how to effectively serve and represent our client population. In FY 2024, our model allowed us to leverage the skills and expertise of our 13 in-house attorneys to mentor 1,484 pro bono volunteer attorneys who served 3,698 women children, donating 49,511 hours of their time and energy amounting to a value of \$45 million in legal services<sup>15</sup>.

## BEST PRACTICES

### Differences in Perspective – Cultural Humility

Her Justice clients come from diverse backgrounds. Our clients' culture and individual life histories influence their perspectives and priorities in making important decisions. It is possible that your client is making certain considerations in making these decisions or forming their perspective on their case that you are not aware of. This means that the perspective your client has on their case may vary significantly from yours. Take this as an opportunity to explore sensitivity and cultural humility.

The term cultural humility was coined by doctors Melanie Tervalon and Jann Murray-Garcia in 1998 and describes "a lifelong commitment to self-evaluation and self-critique, to redressing of power imbalances in the patient-physician dynamic, and to developing the mutually beneficial and non-paternalistic clinical and advocacy partnerships with

<sup>15</sup> Her Justice Annual Report FY 2024

communities”<sup>16</sup>. Similar to medical professionals, a power imbalance exists between legal professionals and the people they serve. We acknowledge and are grateful for your professional expertise; however, in challenging this power imbalance, it is important to recognize the client as the expert regarding their life experience and the needs of their family. Remember “client-centered lawyering prioritizes the client, the client’s understanding of the problem, and achievement of the client’s goals in the way the client deems best”<sup>17</sup>. Empower your client to make informed decisions by explaining the law, legal processes and possible outcomes. Don’t assume things and be sure to leave space for inquiry and introspection.

### Respect, Empathy & Trust

Many of our clients are survivors of various forms of victimization frequently related to their gender identity, race, ethnicity, sexual orientation, class, English language proficiency, and/or immigration status. They may have experienced further victimization in attempting to access help from agencies or individuals that did not give them the space to be understood. These experiences may cause them to feel hesitant, unsafe, or distrustful. It is important to prioritize building trust in your attorney-client relationship by approaching your client with respect, empathy, patience, and transparency.

Some suggestions for establishing a good relationship with your client are:

- Be prepared to listen. Do not be in a hurry to give advice without the complete picture
- Validate their experience and believe what they tell you unless there is clear evidence of the contrary
- Be mindful of your asks of the client. Keep in mind the other conflicting demands in their life and any existing restrictions on time or money and be as accommodating as possible
- Be realistic in your deliverables to your client and set clear boundaries
- Confirm with the client that you understand them, and they are understanding you
- Be patient in repeating information and be willing to rephrase information to improve understanding
- Listen carefully and encourage questioning
- Be responsive to the needs your client raises with you. If their need falls outside of the scope of your representation, speak with your mentor for appropriate referrals

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<sup>16</sup> Tervalon, M. & Murray-Garcia, J. (1998). Cultural Humility Versus Cultural Competence: A Critical Distinction in Defining Physician Training Outcomes in Multicultural Education. *Journal of Health Care for the Poor and Underserved*. Vol 9.2. pp 117-125

<sup>17</sup> Stoeve, J. K. (2013). Transforming Domestic Violence Representation. *Kentucky Law Journal*. Vol. 101.3. Art. 3.

- Empower the client's informed decision making and respect the decisions they've made

### Considerations for LGBTQ+ Clients

LGBTQ+ clients are often among the most marginalized communities served by Her Justice<sup>18</sup>. In working with LGBTQ+ clients it is important to not assume their gender identity or sexual orientation. In your initial conversation with your client introduce yourself by your name and gender pronouns. Ask your client their name and if they feel comfortable sharing their gender pronouns with you. Understand that your client may not feel comfortable sharing their gender pronouns with you initially. If they do not share their gender pronouns with you, please refer to the client by name or using gender neutral pronouns (they/them/theirs). If you make a mistake in your client's gender pronouns, acknowledge the mistake and move on.

Mirror the language the client uses in referring to their gender identity and sexual orientation. Always refer to your client with the name the client gave you. Referring to a client by a name they no longer use is called "deadnaming" and is very traumatizing as it negates your client's identity<sup>19</sup>. If you make a mistake in referring to your client by the wrong name, acknowledge the mistake and move on.

Lastly, be an ally and advocate for your client. According to a Lambda Legal survey of 2,376 LGBTQ+ people, 19% of the survey respondents who had appeared in a court at any time in the past five years had heard a judge, attorney, or other court employee make negative comments about their sexual orientation, gender identity, or gender expression<sup>20</sup>. To the extent the client is comfortable, attempt to address bias in the courtroom and always respect the name, gender, and pronouns they identify with.

### Considerations for Clients with Disabilities

Your client may have a physical, developmental, or emotional disability. Their disability may be the result of the abuse they've experienced. Their disability may or may not be diagnosed, and may or may not be visible or obvious to you. Talk with your client about what, if any, accommodations are needed. Be mindful of the accessibility of your building.

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<sup>18</sup> Meyer, E. (2021). Top 7 Best Practices for Representing Transgender and Nonbinary Pro Bono Clients. Proskauer for Good. Proskauer.

<sup>19</sup> Meyer, E. (2021). Top 7 Best Practices for Representing Transgender and Nonbinary Pro Bono Clients. Proskauer for Good. Proskauer.

<sup>20</sup> as cited in Meyer, E. (2021). Top 7 Best Practices for Representing Transgender and Nonbinary Pro Bono Clients. Proskauer for Good. Proskauer.

Be patient with needing to repeat and rephrase information for your client. If you need additional resources to accommodate your client, speak to your Her Justice mentor.

### Communication

Be thoughtful about the communication needs of your client. Frequently, our clients do not have experience with the legal system and may be unfamiliar with many of the terms commonly used in the court room or legal discourse. Due to circumstance, their formal education may be limited, and they may have a low level of literacy. Be mindful of the needs of your client. Ensure they are able to understand all materials presented to them to the fullest capacity. Always check for comprehension.

For limited English proficiency clients, please review the “Limited English Proficiency (LEP) Clients” on this document.

### Scheduling

Before making your first phone call with your client, review the information we provided you with to ensure it is safe to call the client at the time you are calling and that it is safe to leave a voicemail. Remember that many of our clients self-identify as survivors of intimate partner violence and may still be residing with the opposing party.

In your initial conversation with your client establish what methods and times are best for you to contact your client. Keep in mind that our clients are low income and may not have sufficient resources to maintain a phone plan or continuously purchase more minutes for their phone. If possible, ask if there is a trusted friend or family member whose phone you can contact if you experience difficulty in contacting your client.

In making appointments, especially in person, be mindful of time and economic restrictions your client may be experiencing. Take into account their work and childcare schedules in making these appointments. Be mindful of any safety concerns your client may have in terms of what times are most appropriate in scheduling appointments. Consider whether the firm can pay for a car service or a MetroCard for the client if transportation is a barrier to effective representation.

When scheduling in person appointments with your client, consider the security requirements to enter the building. Many law offices require guests to present a valid form of identification and intense security checks to enter. This can be extremely anxiety inducing for undocumented clients that may not have a valid form of ID, LGBTQ+ clients that may not have a valid form of ID that reflects their gender identity, and clients with limited English proficiency. Some clients have difficulty navigating large office buildings and may not know where to enter, which elevator to use, or which security desk to go to. It is a

best practice to meet your client in the lobby of your building and escort them to the meeting room or your office.

### Missed Appointments

We emphasize to our clients that they should call you in advance if they need to change or cancel their appointment or are running late. However, it is not unusual for clients to have trouble keeping appointments. Our clients are under-resourced. They may be experiencing a more pressing crisis, like an eviction, health crisis, or safety concern. Or attending the appointment may require them to take time off work, pay for round-trip transportation, and coordinate childcare which they may not have the resources to do. Your client, especially at the beginning of your relationship, may feel uncomfortable or embarrassed to share why they cannot make an appointment with you. We ask for your understanding, compassion, patience, and flexibility in this matter. Please keep in mind that the handling and outcome of the case primarily affects the client and any accommodation that can be provided is greatly appreciated.

### Responsiveness

Our clients typically have incomes below 200% of the federal poverty line, \$14,580 for a single person and \$60,000 for a family of 4 in 2023<sup>21</sup>, and are typically juggling multiple urgent needs. Many of our clients do not have a phone plan and instead purchase minutes on a pre-paid phone. However, in light of food or housing insecurities, your client may choose to go without minutes to put food on the table. We understand how this choice may impact you and your ability to communicate with your client, however, we ask for your understanding and compassion. We encourage you to speak with your client during your initial call and establish a safe back-up contact in case this situation arises. Be creative in contacting your client and responsive to their needs. Explore alternatives like using work email, text messages, or mail.

Interacting with the legal system is inherently traumatizing and anxiety-inducing for many of our clients. Remember that for many of our clients the legal system is unfamiliar. This is not their area of expertise and they know they need to rely on your knowledge and support to successfully navigate their case. Be patient when fielding phone calls and questions from your client. Be transparent about your capacity and set clear boundaries with your client. For example, if you are receiving multiple calls a week from a client asking for case updates, call them back and schedule a regular check-in meeting with them that fits with your work schedule to go over any questions they have and provide any case

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<sup>21</sup> ASPE Office of the Assistant Secretary for Planning and Evaluation US Department of Health and Human Services Poverty Guidelines for 2023  
<https://aspe.hhs.gov/sites/default/files/documents/1c92a9207f3ed5915ca020d58fe77696/detailed-guidelines-2023.pdf>



updates. This will help ease the clients' anxiety as they know a schedule to expect regular communication from you on their case.

### Interviewing

Clients are often sharing sensitive personal information with you that can be difficult to share. It is imperative to build trust in your attorney-client relationship. Remind your client that the information they share with you is confidential. When asking questions about sensitive information make sure your questioning is grounded in what is needed for the case. It may be helpful to provide the client with some additional framing when asking questions as to why the information is needed and what it will be used for. For example,

- when asking questions regarding sensitive information we suggest this framing: "I am going to ask you some questions to better understand your case and how I can help. Please be as forthcoming as possible so I can provide you with the best assistance possible. Some of these questions may ask you about sensitive or private information. I want to assure you that everything you share with me is confidential, I will not share what you tell me here without your permission. Before we begin, I just want to emphasize that you do not have to share anything with me that you do not feel comfortable sharing. Please let me know if you would like to take a break or stop at any point during our interview."

At the end of the interview thank the client for sharing this information with you. It was likely not easy for them to share that level of vulnerability with you. Reground them in what this information will be used for and provide them with any next steps.

### Limited English Proficiency (LEP) Clients

As stated previously, our clients come from diverse backgrounds and speak a multitude of languages. In 2022, 6 million people in New York spoke a language other than English; of that, 2.5 million speak English less well and would be considered Limited English Proficient or LEP.<sup>22</sup> LEPs in New York City speak 151 different languages<sup>23</sup>. New York City has acknowledged the need for greater language access through NYC Local Law No. 33 (LL 30) that requires covered agencies to translate commonly distributed documents into 10 designated languages and provide telephonic interpretation in at least 100 languages<sup>24</sup>. However, LL 30, for the most part, does not apply to most legal organizations including legal nonprofits. This means that there is a huge gap in the legal services available for LEPs. Even in our own work we see cases for LEPs take much longer to receive services than similarly situated English speaking cases.

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<sup>22</sup> VOLS. (2022). Language Access in Pro Bono Practice.

<sup>23</sup> VOLS. (2022). Language Access in Pro Bono Practice.

<sup>24</sup> VOLS. (2022). Language Access in Pro Bono Practice.

We greatly appreciate your effort if you are handling a case for an LEP client. In working with LEP clients it is paramount that you ensure they are accurately understanding the information you are providing them with and that you are understanding the needs they are communicating to you. To do this, work with qualified interpreters. Qualified is a relative term so please consider the nature of the conversation and the language capacity of the interpreter you are working with. It is best practice to use an in-house qualified interpreter to work with your client for the duration of the case. If that is not accessible to you, think creatively about the interpretation and translation services available to you. See if it is possible to retain professional interpreter services or review the internal staff language capacity. For potentially non-sensitive information it may be appropriate to have a friend or family member interpret. **It is never appropriate to have a client's child interpret. It is never appropriate to rely on Google Translate or similar multilingual neural machines translation service.** The Spanish Group, an internationally recognized certified translation service list 5 reasons why you should not use Google Translate or a similar software for translations:

- Translation apps translate the text literally. Think about the number of times you speak in expressions in English. For example, the phrase "break a leg" is an expression of good luck, however, if translated literally it gives the impression that you are wishing that someone would break their leg.
- Many of these translation apps are not updated or operated by professional translators
- The translator apps do not account for the regional dialect your client may speak.
- Using a translator app frequently requires proofreading by someone fluent in the language to ensure the grammar and language choices match with the idea being expressed.
- Using a translator app for translating sensitive information is unsafe as the information may be compromised during a data breach<sup>25</sup>

Here are some other best practices in working with interpreters:

- Always brief the interpreter on the nature of the call before starting the meeting with client
- Consult the interpreter regarding whether a legal interpreter is more appropriate for the call
- Speak to the client directly, do not address your comments to the interpreter
- Ask the interpreter to confirm the client can understand them
- Ask the client to ensure they understand you

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<sup>25</sup> The Spanish Group. (2020). 5 Reasons why not to Use Google Translate for Business Purposes. The Spanish Group. <https://thespanishgroup.org/blog/top-5-reasons-not-use-google-translate-business-purposes/>

### Managing Your Case

Even if there are no updates in your case for the client, continue to regularly check in with them. Remember our clients are facing many complex issues and conflicting demands. Without regular check-ins you may miss vital information about your client's living situation, access to phone and internet services, and safety.

Be affirmative in asking questions to your mentor and informing them of any case updates. It is your responsibility to inform your mentor in a timely fashion when documents are due to be filed in court or immigration authorities, when court dates are scheduled, and when final orders or judgements are received. Without this information we are unable to accurately report on our cases and are unable to monitor the needs of our clients.

## **WHAT IS DOMESTIC VIOLENCE?**

The United Nations defines domestic abuse or domestic violence as a pattern of behavior in any relationship that is used to gain or maintain power and control over an intimate partner, child, relative, or any other household member<sup>1</sup>. The epidemic of domestic violence involves physical acts of violence, emotional, psychological, verbal, sexual, legal and financial abuse against an intimate partner or family member<sup>2</sup>. This includes any behaviors that “frighten, intimidate, terrorize, manipulate, hurt, humiliate, blame, injure, or wound someone”<sup>3</sup>. Fundamentally, domestic violence is “a pattern of coercive behavior or tactics that is culturally learned and socially condoned”<sup>4</sup>.

**Domestic violence can impact anyone of any race, age, sexual orientation, gender identity, nationality, religion, socioeconomic background, immigration status, language of fluency, or education level<sup>5</sup>.**

Although many domestic violence cases involve individuals in a romantic relationship (typically referred to as intimate partner violence), this may not always be the case. The individuals involved may be dating, cohabitating, married, divorced, separated, and/or have a child in common. Domestic violence can present and be interpreted differently depending on the surrounding cultural and social context of the individuals involved. However, a consistent theme is use of power and control to victimize the other party.

## **EXAMPLES OF ABUSIVE BEHAVIORS**

### *Physical Abuse*

This form of abuse includes acts like spitting, scratching, biting, grabbing, shaking, shoving, pushing, restraining, throwing, twisting, slapping, punching, choking, burning, forcing sexual contact, forcing alcohol and/or drug use, and other acts that inhibit physical well-being. Food and medication may be withheld and access to medical attention or police services may be prevented. They may be kidnapped or confined in an enclosed space or abandoned in an unfamiliar place. Physical abuse may or may not cause visible physical injuries<sup>6</sup>.

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<sup>1</sup> United Nations (2023) “What is Domestic Abuse? United Nations. <https://www.un.org/en/coronavirus/what-is-domestic-abuse>

<sup>2</sup> Breger, M. L., Kennedy, D.A., Zuccardy J.M., & Hon. Elkins, L.H. (2022). New York Law of Domestic Violence. Chapter 1. Domestic Violence Defined.

<sup>3</sup> United Nations (2023) “What is Domestic Abuse? United Nations. <https://www.un.org/en/coronavirus/what-is-domestic-abuse>

<sup>4</sup> New York State Coalition Against Domestic Violence (NYSCADV). (2011). Domestic Violence Handbook. NYSCADV.

<sup>5</sup> United Nations (2023) “What is Domestic Abuse? United Nations. <https://www.un.org/en/coronavirus/what-is-domestic-abuse>

<sup>6</sup> United Nations (2023) “What is Domestic Abuse? United Nations. <https://www.un.org/en/coronavirus/what-is-domestic-abuse> & New York State Coalition Against Domestic Violence (NYSCADV). (2011). Domestic Violence Handbook. NYSCADV.

### *Sexual Abuse*

This form of abuse includes pressured sex when that is not consensual, coerced sex by manipulation or threat, physically forced sex, sexual assault accompanied by violence, or other acts the right to freely and safely express their sexuality<sup>7</sup>.

### *Emotional Abuse*

This form of abuse includes acts and behaviors like undermining a person's self-worth through constant criticism; belittle one's abilities; name-calling or other verbal abuse; damaging a partner's relationship with their children; and isolating a partner from friends and family<sup>8</sup>.

### *Psychological Abuse*

This form of abuse involves acts or behaviors causing fear or intimidation; threatening physical harm to self, a partner, or child(ren); attacking a partner's property, pets, or others acts of intimidation; and forcing isolation for anyone outside of the relationship or domestic violence situation<sup>9</sup>.

### *Financial or Economic Abuse*

Economic abuse occurs when control is invoked over the ability to acquire, use and maintain financial resources, such as transportation, food, clothing, shelter, insurance, credit, and money. This form of abuse involves making or attempting to make a person financially dependent by maintaining total control over financial resources, withholding access to money, committing identity theft by opening fraudulent accounts or credit lines in their name, placing sole financial responsibility for supporting their household, and/or forbidding attendance at school or employment<sup>10</sup>.

### *Cyber Abuse*

This form of abuse includes hacking, installation of spyware, cyber stalking, spoofing, identity theft, impersonation (including deep fakes), sexual extortion (colloquially known as

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<sup>7</sup> United Nations (2023) "What is Domestic Abuse? United Nations. <https://www.un.org/en/coronavirus/what-is-domestic-abuse> & New York State Coalition Against Domestic Violence (NYSCADV). (2011). Domestic Violence Handbook. NYSCADV.

<sup>8</sup> United Nations (2023) "What is Domestic Abuse? United Nations. <https://www.un.org/en/coronavirus/what-is-domestic-abuse> & New York State Coalition Against Domestic Violence (NYSCADV). (2011). Domestic Violence Handbook. NYSCADV.

<sup>9</sup> United Nations (2023) "What is Domestic Abuse? United Nations. <https://www.un.org/en/coronavirus/what-is-domestic-abuse> & New York State Coalition Against Domestic Violence (NYSCADV). (2011). Domestic Violence Handbook. NYSCADV.

<sup>10</sup> United Nations (2023) "What is Domestic Abuse? United Nations. <https://www.un.org/en/coronavirus/what-is-domestic-abuse> & New York State Coalition Against Domestic Violence (NYSCADV). (2011). Domestic Violence Handbook. NYSCADV.

sextortion), and the nonconsensual distribution or threat of distribution of sexually explicit images and videos<sup>11</sup>.

### *Abuse of Process*

This form of abuse involves misusing and manipulating legal and social processes to weaponize them against the victimized person. This includes acts like making false reports of abuse, substance abuse, or child neglect to police or ACS, filing frivolous or fraudulent immigration or court proceedings, filing retaliatory orders of protection, intentionally delaying court or immigration proceedings, misleading or lying about their legal rights and options, threats of deportation, threats to withdraw or refusal to continue support in immigration applications, stealing newly received immigration benefits or identification – like employment authorization documents, A numbers, and social security numbers – to commit identity theft, etc.

## **POWER AND CONTROL WHEEL**

Below is the original power and control wheel. Since its creation, subsequent power and control wheels have been developed to explore specific accepts of abuse in relation to a person's identity. It describes the tactics a responsible party may use to maintain control over the person they are victimizing<sup>12</sup>. This wheel is not comprehensive but provides helpful framing to understand the aspects of victimization someone may be experiencing. *Other versions of the power and control wheel specific to victimization experienced immigrants and people with a disability can be found in the Appendix section of this manual*

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<sup>11</sup> New York Cyber Sexual Abuse Task Force. About Cyber Sexual Abuse. New York Cyber Sexual Abuse Task Force. <https://cyberabuse.nyc/>

<sup>12</sup> National Domestic Violence Hotline. (2023). Power and Control Break Free from Abuse. National Domestic Violence Hotline. <https://www.thehotline.org/identify-abuse/power-and-control/>



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## **"WHY DO THEY STAY?" The Stages of Change Model**

Domestic violence is a complex and multi-dimensional issue that's presentation and impact cannot be generalized. Each person processes the complexities of their relationship and their trauma from the abuse they experienced differently. This process is uniquely personal to them and often not a linear process<sup>14</sup>. The psychology field has developed a tool for understanding the complex needs and actions of domestic violence survivors<sup>15</sup>. It describes the process survivors go through when they seek to end the violence and abuse they experienced. The model includes five distinct stages:

### **(1) Pre-contemplation**

- a. In this stage the person experiencing the abuse is not aware of the extent of the problem and minimizes or denies the abuse. At this point they likely have no intention to change or leave the situation. They may feel responsible for

<sup>13</sup> Copyright by the Domestic Abuse Intervention Project, 202 East Superior Street, Duluth, MN, 55802 218-722-2781

<sup>14</sup> Stoeve, J. K. (2013). Transforming Domestic Violence Representation. Kentucky Law Journal. Vol. 101.3. Art. 3.

<sup>15</sup> Stoeve, J. K. (2013). Transforming Domestic Violence Representation. Kentucky Law Journal. Vol. 101.3. Art. 3.

the abuse they are suffering and may be modifying their actions to avoid further abuse<sup>16</sup>.

(2) *Contemplation*

- a. Usually in this stage the abuse has increased in its severity. The survivor begins to consider the possibility of changing their current situation and may begin building social, emotional, and financial support. They may make an initial attempt to leave. However, the survivor may express ambivalence and fluctuate between feeling troubled and unconcerned as they consider whether the situation can continue unchanged<sup>17</sup>.

(3) *Preparation*

- a. In this stage the survivor begins to understand the abuse they experienced differently. They become more aware of the abuse they are experiencing and attempt to determine the best course of action and develop a plan to carry it out. In this stage the survivor may set aside money; call an abuse hotline; gather information about resources, services, and legal options for survivors of domestic violence; and reconnect with people they were isolated from<sup>18</sup>.

(4) *Action*

- a. In this stage the survivor begins to carry out strategies to protect themselves and their children from future violence by taking actions such as going into shelter, seeking a protection order, or having others intervene in the abuse<sup>19</sup>.

(5) *Maintenance*

- a. This stage involves a continuation of actions by the survivor that are needed to maintain the change. These actions may involve safety planning, seeking mental health counseling, and rebuilding financial health<sup>20</sup>.

This model is cyclical and nonlinear. In fact, it is common for survivors to fluctuate between stages as they move towards maintenance<sup>21</sup>. Again, a survivor's process of leaving a domestic violence situation and healing from the trauma they experienced is specific and personal to them.

## **OTHER MODELS AND THEIR LIMITATIONS**

Two of the most common models used to understand the intricacies of domestic violence are the Battered Woman Syndrome and the Cycle of Violence. The Battered Woman Syndrome and Cycle of Violence models were developed by Lenore Walker in her 1979 book *The Battered Woman* and further developed in her 1984 book *The Battered Woman Syndrome*<sup>22</sup>. The Cycle of Violence describes the cyclical nature of abuse in intimate partner

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<sup>16</sup> Stoeve, J. K. (2013). Transforming Domestic Violence Representation. Kentucky Law Journal. Vol. 101.3. Art. 3.

<sup>17</sup> Stoeve, J. K. (2013). Transforming Domestic Violence Representation. Kentucky Law Journal. Vol. 101.3. Art. 3.

<sup>18</sup> Stoeve, J. K. (2013). Transforming Domestic Violence Representation. Kentucky Law Journal. Vol. 101.3. Art. 3.

<sup>19</sup> Stoeve, J. K. (2013). Transforming Domestic Violence Representation. Kentucky Law Journal. Vol. 101.3. Art. 3.

<sup>20</sup> Stoeve, J. K. (2013). Transforming Domestic Violence Representation. Kentucky Law Journal. Vol. 101.3. Art. 3.

<sup>21</sup> Stoeve, J. K. (2013). Transforming Domestic Violence Representation. Kentucky Law Journal. Vol. 101.3. Art. 3.

<sup>22</sup> Stoeve, J. K. (2013). Transforming Domestic Violence Representation. Kentucky Law Journal. Vol. 101.3. Art. 3.



violence. The cycle starts with building tension, acute abuse, and a honeymoon phase or a loving repentant period<sup>23</sup>. Walker defines battered woman syndrome as “a cluster of psychological and behavioral characteristics that abused women develop as a result of how they perceive their batterer’s violence”<sup>24</sup>. Walker posits that abused women developed “learned helplessness” as a result of the “cycle of violence”<sup>25</sup>. Meaning that the continued and repeated abuse and control will cause the abused women to enter “psychological paralysis” and stop trying to leave the abusive situation<sup>26</sup>. According to Walker, “Once the women are operating from a belief of helplessness, the perception becomes reality and they become passive, submissive, ‘helpless’”<sup>27</sup>.

This model conflates domestic violence with intimate partner violence (IPV), imposes a heteronormative cisgender understanding of IPV that positions the cisgender woman as victim and the cisgender man as abuser, disempowers the survivor, and implies the survivor is complicit in the continuation of abuse. In addition, these models are not created to understand domestic violence and intimate partner violence from the perspective of the person being victimized. It instead gives justification to view people who remain in abusive relationships as lost causes.

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<sup>23</sup> Stoeve, J. K. (2013). Transforming Domestic Violence Representation. Kentucky Law Journal. Vol. 101.3. Art. 3.

<sup>24</sup> as cited in Stoeve, J. K. (2013). Transforming Domestic Violence Representation. Kentucky Law Journal. Vol. 101.3. Art. 3.

<sup>25</sup> as cited in Stoeve, J. K. (2013). Transforming Domestic Violence Representation. Kentucky Law Journal. Vol. 101.3. Art. 3.

<sup>26</sup> as cited in Stoeve, J. K. (2013). Transforming Domestic Violence Representation. Kentucky Law Journal. Vol. 101.3. Art. 3.

<sup>27</sup> as cited in Stoeve, J. K. (2013). Transforming Domestic Violence Representation. Kentucky Law Journal. Vol. 101.3. Art. 3.

## **TIPS FOR CLIENT COMMUNICATION**

In order to ensure as effective and safe communication as possible, Her Justice has compiled the following list of communications considerations for you to address with your client by phone, before beginning substantive legal interviewing.

- **First, acknowledge that communication may be challenging for your client.** Assure your client that you will work with them and will do your best to adjust to their circumstances to effectively and safely move her case forward.
- **Even if your client seems to speak English, ask if they are comfortable communicating in English.** If your client needs an interpreter, identify one who is available by the client's preferred communication method (e.g., phone or video conference). As with all interpretation:
  - Set ground rules and explain the interpreter's role, to interpret the words spoken directly between you and the client
  - Use simple words, avoiding jargon or acronyms, and short phrases, pausing often to allow time for interpretation
  - Confirm understanding of what was communicated
- **What is the best method to speak with your client?**
  - **Do they have a reliable phone number?** Note that many of our clients have prepaid cell phones that may run out at a moment's notice if they run out of funds for the phone. Is there a safe, alternate phone number that your client can share with you in case you can't reach them?
  - **Does your client have access to a safe computer with a camera for video-conferencing?**
- In general, both phone calls and video conferences are acceptable for brief conversations, lengthy substantive discussions about the case or when reviewing documents. Some clients--especially those who are survivors of digital violence--may feel more comfortable communicating by phone rather than video even if they have safe access to both options. So, offer both options and accommodate your client's preferences to the best of your ability. Please note the rules for notarizing documents: <https://dos.ny.gov/notary-public>

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- )] **Does your client have safe access to a safe email address?** If so, how often do they check email?
  - )] If you are comfortable communicating with your client by text-message, **does your client consent to communications by text message?** If so, please text with your client using a

secure and confidential platform. We do not recommend using your personal cell number for such communication.

- ) **What times is your client likely to be most available? Who else will be with your client during those times? Will your client be able to speak in private or will children be around?** This is important if you are asking questions about traumatic or sensitive matters. Please ask these questions before every conversation in which you anticipate asking questions about traumatic or sensitive matters.
- ) **Does your client have safe access to a computer, printer or scanner?** If not, you may have to factor in time to send your client documents via regular mail to review and/or sign. Digital photographs of documents sent through text or email are acceptable as long as the photograph quality is good enough for the document to be legible.

**Please contact your Her Justice mentor regarding any questions with respect to obstacles in communication with your client.**



### GROWTH IN U.S. ETHNIC MARKETS

According to the U.S. Census Bureau, the foreign born population in the U.S. has grown from **9.7 million in 1970 to 32.2 million in 2003.**

### ASK ABOUT ALL OUR QUALITY LANGUAGE SERVICES

- Over-the-Phone Interpretation
- Document Translation
- Language Line® Phone
- Language Line® University
- Language Line® Direct Response
- Language Line® Video Interpreter Service

## TIPS FOR WORKING WITH AN INTERPRETER

- 1. BRIEF THE INTERPRETER** - Identify the name of your organization to the interpreter, provide specific instructions of what needs to be done or obtained, and let him/her know whether you need help with placing a call. If you need the interpreter to help you place a call to the Limited English Proficient (LEP) customer, you may ask the interpreter for a dial-out. There is a limited amount of time allotted for placing a dial-out once the interpreter is on the phone. Therefore, it is important that you provide a brief introduction and specific instructions to the interpreter in a timely manner.
- 2. SPEAK DIRECTLY TO THE CUSTOMER** - You and your customer can communicate directly with each other as if the interpreter were not there. The interpreter will relay the information and then communicate the customer's response directly back to you.
- 3. SPEAK NATURALLY, NOT LOUDER** - Speak at your normal pace, not slower.
  - **SEGMENTS** - Speak in one sentence or two short ones at a time. Try to avoid breaking up a thought. Your interpreter is trying to understand the meaning of what you're saying, so express the whole thought if possible. Interpreters will ask you to slow down or repeat if necessary. You should pause to make sure you give the interpreter time to deliver your message.
  - **CLARIFICATIONS** - If something is unclear, or if the interpreter is given a long statement, the interpreter will ask you for a complete or partial repetition of what was said, or clarify what the statement meant.
- 4. ASK IF THE LEP UNDERSTANDS** - Don't assume that a limited English-speaking customer understands you. In some cultures a person may say 'yes' as you explain something, not meaning they understand but rather they want you to keep talking because they are trying to follow the conversation. Keep in mind that a lack of English does not necessarily indicate a lack of education.
- 5. DO NOT ASK FOR THE INTERPRETER OPINION** - The interpreter's job is to convey the meaning of the source language and under no circumstances may he or she allow personal opinion to color the interpretation. Also, do not hold the interpreter responsible for what the customer does or does not say. For example, when the customer does not answer your question.
- 6. EVERYTHING YOU SAY WILL BE INTERPRETED** - Avoid private conversations. Whatever the interpreter hears will be interpreted. If you feel that the interpreter has not interpreted everything, ask the interpreter to do so. Avoid interrupting the interpreter while he/she is interpreting.
- 7. AVOID JARGON OR TECHNICAL TERMS** - Don't use jargon, slang, idioms, acronyms, or technical medical terms. Clarify unique vocabulary, and provide examples if they are needed to explain a term.
- 8. LENGTH OF INTERPRETATION SESSION** - When you're working with an interpreter, the conversation can often take twice as long compared with one in English. Many concepts you express have no equivalent in other languages, so the interpreter may have to describe or paraphrase many terms you use. Interpreters will often use more words to interpret what the original speaker says simply because of the grammar and syntax of the target language.
- 9. READING SCRIPTS** - People often talk more quickly when reading a script. When you are reading a script, prepared text, or a disclosure, slow down to give the interpreter a chance to stay up with you.
- 10. CULTURE** - Professional interpreters are familiar with the culture and customs of the limited English proficient (LEP) customer. During the conversation, the interpreter may identify and clarify a cultural issue they may not think you are aware of. If the interpreter feels that a particular question is culturally inappropriate, he or she might ask you to either rephrase the question or ask the interpreter to help you in getting the information in a more appropriate way.
- 11. CLOSING OF THE CALL** - The interpreter will wait for you to initiate the closing of the call. When appropriate, the interpreter will offer further assistance and will be the last to disconnect from the call. Remember to thank the interpreter for his or her efforts at the end of the session.

## **THE HER JUSTICE U NONIMMIGRANT STATUS ADJUSTMENT OF STATUS PROGRAM**

*"To have such close client contact, to have someone actually relying upon you for help, advocacy and advice is an incredible personal and professional growth experience. Her Justice challenged us to be better lawyers, and with our client and her daughter's future at stake, we were forced to rise to the challenge."*

– Volunteer Attorney at Simpson  
Thacher & Bartlett

Her Justice recruits, trains and mentors teams of volunteer attorneys and legal assistants at major law firms to provide crucial immigration assistance to battered women and their children. Volunteers provide life-altering assistance to some of the most at-risk individuals living in New York City on a daily basis through the Her Justice U Nonimmigrant Status Adjustment of Status Program (U Adjustment).

### **The Role of Her Justice**

Staff Attorneys at Her Justice conduct trainings for volunteers handling U Adjustment cases. We require all members of the volunteer teams from our law firms – supervising partners, associates, and legal assistants alike – to attend a live training or to view a pre-recorded training and to review the Her Justice U Adjustment Training Manual. CLE credit is provided to attorneys for the trainings (either live or video), as well as for their actual pro bono representation of clients.

After conflict checks have been conducted, Her Justice forwards client case files, which include case descriptions and copies of clients' documents, to participating firms. Where possible, this is done prior to the training. This enables new legal teams to process the information they receive at our CLE training with their clients' specific circumstances in mind. In some cases, the firm will have worked previously with the client in obtaining her initial U Nonimmigrant Status.

Her Justice Staff Attorneys provide ongoing mentoring to the volunteer legal team. Each case is assigned a Her Justice mentor. Mentors review, edit and approve all applications and communications before they are filed with USCIS. This is an evolving area of practice, with frequent changes in administrative practice and law, so our commitment is to pass along relevant information about substantive and procedural changes at USCIS to teams handling these immigration law cases to help obtain the best outcome for clients. **PLEASE BE SURE TO READ THE CURRENT IMMIGRATION POLICIES SECTION IN THIS MANUAL.**

### **The Role of the Volunteer Attorney**

Her Justice connects female-identified and gender non-conforming victims of crime who have approved U Nonimmigrant status and are eligible to apply for permanent residency (aka a green card) with pro bono attorneys who are eager to learn a new area of law and to make

a positive difference for clients who desire to gain their permanent residency in the United States.

These immigration cases are non-litigated and done on submission to USCIS. The volunteer attorneys represent individual clients and their eligible family members on petitions for Adjustment of Status which directly affects a client's ability to become a Lawful Permanent Resident of the United States and puts her on the pathway to citizenship.

Law students enrolled in an accredited law school, or a law graduate who is not yet admitted to the bar, may represent an immigration client referred by Her Justice as part of the legal team under the direct supervision of an admitted attorney from the law firm. At all times, an admitted attorney from the law firm must be the client's attorney of record and must review and sign all papers.

The legal team will handle:

- Conducting in-depth interviews with their clients<sup>1</sup> to establish her eligibility for Adjustment of Status, drafting compelling and detailed affidavits which chronicle their clients' experience; and
- Preparing and filing initial applications with USCIS for a client and her eligible family members for Adjustment of Status

The legal team will also handle:

- Filing applications for employment authorization

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<sup>1</sup> Special sensitivity is required to represent an immigrant client who has been the victim of a crime. Your client's social and cultural background, and/or other specific circumstances, may impact her ability to identify as or describe herself as being the victim of a sexual assault, domestic violence, or certain other crimes. Refer your client to counseling, where appropriate, after discussing the issues with your mentor.

## USING THE HER JUSTICE TRAINING MANUAL

This manual, in conjunction with the Her Justice U Adjustment Training is designed to give you:

- Sample completed forms, applications, cover letters, and affidavits;
- A basic knowledge of immigration law and procedure as it applies to obtaining Lawful Permanent Residency for individuals and their qualifying family members who are in approved U Nonimmigrant status;
- The ability to prepare the necessary documents to petition USCIS for Lawful Permanent Residency on behalf of individuals in U Nonimmigrant Status and to file accompanying applications for work authorization, if applicable;
- The ability to counsel your client on what to expect throughout the Adjustment of Status process, including the scope of your representation, risks for traveling outside the U.S. during the pendency of the petition, and the immigration timeline; and
- Relevant policy memoranda from USCIS and a list of resources so that you can easily conduct research or obtain the answer to your question(s).

This manual will not make you an expert. However, it will allow you to effectively represent a client in an Adjustment of Status application and put her, and any eligible family members, on the pathway to citizenship. In most instances, the manual will be able to answer basic questions you may have about how to complete USCIS immigration forms, what to do next in your case, and what evidence to include to support your client's petition. The manual is intended to serve as a desk reference on how to prepare an Adjustment of Status application for U Nonimmigrants. We hope this manual is helpful to you in your representation of a client through Her Justice. If you have any feedback or suggestions for improvement, please contact José Rodarte-Canales, at [jrodarte-canales@herjustice.org](mailto:jrodarte-canales@herjustice.org) or 646-442-1195.

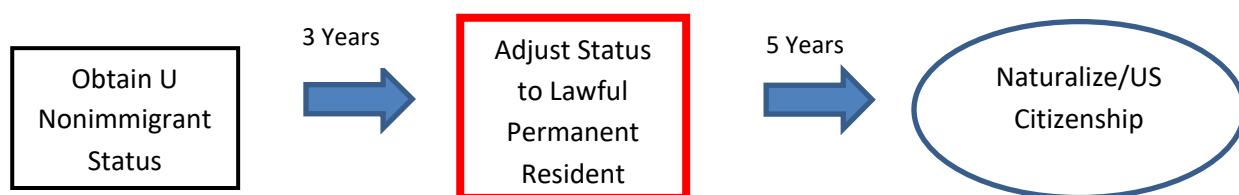
As you read this manual, keep in mind the following:

- **Immigration forms should be downloaded through the USCIS website at [www.uscis.gov](http://www.uscis.gov).** USCIS is constantly revising immigration forms and you should use the most current edition posted on their website. The USCIS website is also a valuable resource for general information and policy memoranda.
- **Working with a survivor of domestic violence requires patience and understanding.** Understanding how you feel as a result of working with a battered woman is just as important as understanding how she felt during her relationship with her batterer and after. The articles and information in this manual will help you prepare for your client meetings and inform you of concerns specific to domestic violence survivors. Please make sure to read this section of the manual carefully and to consult with your Her Justice mentor where appropriate.

**Your Her Justice mentor is here to help.** It is critical to keep in regular contact with your Her Justice mentor and to allow them time to review your client's petition prior to filing. Your mentor can help spot additional issues and provide necessary guidance throughout the case.

## **GUIDE TO U NONIMMIGRANT STATUS ADJUSTMENT OF STATUS**

Adjustment of Status (AOS) is the technical term for the process of obtaining lawful permanent residency for someone who is physically present in the U.S. (as opposed to obtaining an immigrant visa at a U.S. consulate abroad and then entering the U.S. as a lawful permanent resident). Lawful Permanent Resident (LPR) status allows a person to lawfully live and work in the U.S. indefinitely and travel in and out of the U.S. freely (subject to certain limitations). Most of our clients who have U Nonimmigrant Status will have waited over ten years to achieve the stability of lawful permanent residency. After five years in LPR status, a person becomes eligible to apply for naturalization to become a U.S. Citizen. Below is a review of the journey that our clients have taken and the importance of AOS:



AOS is an administrative filing with U.S. Citizenship and Immigration Services (USCIS). There is usually no requirement that U nonimmigrant applicants for AOS attend an interview as part of the application process. However, USCIS reserves the right to request an interview with any AOS applicant. Because our clients have waited a long time for this step in the process, it is imperative that all pro bono attorneys begin working immediately with their clients once assigned to the case. Below is an explanation of some useful terminology, an overview of the legal requirements for Adjustment of Status for U Nonimmigrants, and a week-by-week guide to handling a U AOS case.

### **I. Useful Terminology**

“U Nonimmigrant Status” is granted to someone who is physically present in the U.S. U AOS applies to all members of a family who have been granted U Nonimmigrant Status. Each member of the family must file their own adjustment application on Form I-485.

When applying for U nonimmigrant status, USCIS distinguishes between the “Principal” petitioner – the person who was the victim of the qualifying crime who cooperated with law enforcement and received U-1 status upon the approval of their I-918, Petition for U Nonimmigrant Status – and “Derivative Beneficiary” – a qualifying family member of the Principal petitioner who received U-2, U-3, U-4, or U-5 status upon the approval of their I-918, Supplement A, Petitions for Qualifying Family Member of U-1 Recipient (I-918A). USCIS uses the below coding for the different categories of U Nonimmigrant Status:

- U-1: Principal
- U-2: Spouse
- U-3: Child



- U-4: Parent (if the U-1 is/was a child under 21 years of age at the time of I-918 filing)
- U-5: Unmarried Sibling under the age of 18 years of age (if the U-1 is/was under 21 years of age at the time of I-918 filing)

A “U visa” is granted to someone who is applying to enter the U.S. as a U nonimmigrant from abroad. U visas are issued by the U.S. Department of State vis-a-vis a U.S. Consulate or Embassy abroad. The U visa allows a person to enter the U.S. lawfully but the visa holder will not attain U nonimmigrant status until they are physically present and lawfully admitted into the U.S. with their U visa. Only when the U visa holder has physically entered and been lawfully admitted to the U.S. will they be considered a U nonimmigrant.

Once U nonimmigrant status has been attained – whether by I-918 or I-918A approval, or by lawful admission with a U visa – there is no longer a distinction between a “Principal” and “Derivative Beneficiary.” Each U nonimmigrant has an independent basis by which to seek adjustment of status, and each U nonimmigrant applying for adjustment is considered a “Principal” applicant.

## **II. Overview of Legal Requirements**

The legal requirements for U AOS can be found under the Immigration and Nationality Act (INA) Section 245(m). Under INA § 245(m), each U nonimmigrant seeking adjustment of status:

- ***Must be in valid, unexpired U Nonimmigrant status***
  - U status cannot have been revoked
  - Certifying law enforcement official must not have withdrawn certification
  - Derivative family member’s relationship to U-1 was not terminated
- ***Must have at least three years of continuous physical presence in the U.S. since date U nonimmigrant status was attained***
  - Must be physically present in the U.S. at the time of AOS filing
  - Must not have any interruptions in continuous presence in U.S.
    - Being outside the U.S. for more than 90 days at a time or more than 180 days in the aggregate (unless necessary to assist in the criminal investigation or prosecution) creates a rebuttable presumption of continuous presence interruption
  - It is possible to extend U Nonimmigrant Status to accrue the required three years of continuous physical presence under certain circumstances. This training manual does not include instructions on this process.
- ***Must not be inadmissible under INA § 212(a)(3)(E)***
  - Under the INA, noncitizens who are subject to certain categories, i.e. health-related grounds, criminal-related grounds, security-related grounds, etc., are deemed “inadmissible” and are not permitted to obtain visas, enter the U.S. lawfully, or be admitted as nonimmigrants. Inadmissibility grounds can be found at INA § 212.
  - Most all grounds of inadmissibility can be waived as a matter of discretion by USCIS for U AOS applicants with the exception of INA § 212(a)(3)(E) which pertains to

participation in Nazi persecution, genocide, or any act of torture or extra judicial killing

- If INA § 212(a)(3)(E) applies to the U nonimmigrant, they will not be eligible for adjustment of status
- ***Must show that they have not unreasonably refused to provide assistance in the investigation or prosecution of the underlying qualifying crime***
  - USCIS will look at the totality of circumstances in assessing whether an applicant has “unreasonably refused to provide assistance”
  - USCIS will look at the nature of the request, the nature of the victimization, the applicant’s specific circumstances, and the context of general law enforcement practices and protocols.
- ***Must show that adjustment of status is justified on humanitarian grounds, to ensure family unity, or in the public interest***
  - USCIS will look at the totality of the applicant’s life including but not limited to any arrests, convictions, fraud, the applicant’s community ties to the U.S., contributions to society, rehabilitation after conviction of crime, etc.
- ***Must show that they merit a favorable exercise of discretion***
  - USCIS may revisit issues previously waived at the U Nonimmigrant Status stage.
  - USCIS will consider various discretionary factors, such as: length of residence in U.S.; family and community ties; work history and skills; risk to public safety; and reasons for remaining in U.S.

### **III. Weekly Step By Step Guide: Adjustment of Status for U Nonimmigrants**

**PLEASE ABBREVIATE THIS TIMELINE IF YOU ARE IN A SHORTENED SUMMER ASSOCIATE PROGRAM**

#### **Weeks #1-2: Review file**

- Review case file
- ***Familiarize yourself with the underlying U Nonimmigrant Status Petition:*** Make sure that the case file contains, at a minimum, the underlying application for U Nonimmigrant Status and the approval notice for U Nonimmigrant Status for the principal applicant and any derivative family members. This includes Form I-918 Petition for U Nonimmigrant Status (or Form I-918 Supplement A if representing a derivative family member) and all supporting documents, including supporting exhibits and affidavits. If applicable, the file will also include Form I-192 Application for Advance Permission to Enter as Nonimmigrant, the form waiving any relevant inadmissibility grounds, including all exhibits and supporting affidavits, along with the approval notice for Form I-192. If your case file does not include these documents, please speak to your Them Justice mentor.
  - You should be very familiar with your client’s eligibility for U Nonimmigrant Status and the applicable inadmissibility grounds that were waived.

- **KNOW YOUR DEADLINE:** Mark your calendars with the **date of expiration of U Nonimmigrant Status for your client and any derivative family members.**
  - U Nonimmigrant Status, and its accompanying Employment Authorization Document (EAD) is granted for a maximum of four (4) years. An applicant becomes eligible for Adjustment of Status after three (3) years in U Nonimmigrant Status (there is a one (1)-year window in which to file for adjustment).
  - If applicant does not file an AOS application before U Nonimmigrant Status expires and does not file an extension of status, they will become undocumented.
  - The U Nonimmigrant Status expiration date will be clearly listed in the Case Opening Report Summary and is also a document in your client's case file. ("I-797 Notice of Action" Approving U Nonimmigrant Status; Form I-918 for principal/ I-918A for derivative family member). The date of expiration of U Nonimmigrant Status is the date by which the U.S. Citizenship and Immigration Service **must receive** your client's application for Adjustment of Status. Aim to file the application for Adjustment of Status at least a few months before the expiration of U Nonimmigrant Status, so that your client remains authorized to work and you have to time to address any fee waiver-related rejections of the application filing.
- Be clear about **how many AOS applications** must be filed and the deadline for each application.
  - Each applicant must have their own Adjustment of Status application filed on Form I-485.
  - Your client and each derivative family member (e.g. children, spouse, sibling) must satisfy the requirements for Adjustment of Status independently. They must each have accrued at least three (3) years of continuous physical presence in the United States while in U Nonimmigrant Status.
  - If your client's derivative family member(s) entered the U.S. with a U visa, make sure that you know the date of entry for each family member and be sure that each person has accrued at least three (3) years of continuous physical presence in the United States after attaining U Nonimmigrant Status.
  - It is possible that different family members will become eligible to adjust status to lawful permanent resident at different times, depending on when they entered the U.S. It is also possible that they will have different U Nonimmigrant Status expiration dates.
- **Review the continuous presence documentation** in your client's file, noting any gaps in time for which documentation must be further explored with your client.
- **Review and assess any discretionary issues** that must be addressed in your client's application.
- After reviewing the file, speak to your Her Justice mentor about any questions that arise.

### **Weeks #2-3: Reach out to client**

- **Call client and set up initial meeting**
  - Arrange for interpretation services if necessary.

- Give client available options for the meeting, whether in-person at your office, remote (via phone or video call), or both. If meeting will be in-person, give them detailed directions to your office.
- If the meeting will be in-person:
  - Tell client about any security protocols in your office building (e.g., they will need to present photo ID, go through a metal detector, etc.) and/or meet them downstairs in the lobby.
  - Inform client that they must come to the appointment by themselves and should not bring their children. If applicable, speak to client about their ability to procure childcare.
  - Ascertain whether client is missing work in order to come to your office. Tell them how long you anticipate the meeting will last (usually about an hour and a half).
  - Ask client to bring documents missing from your file, including a current passport (if any), any other passports held as a U nonimmigrant, and additional evidence of continuous physical presence. If they do not have the documents you request, tell them that you will discuss how they can get those documents during the meeting.

- ***Prepare engagement letter***

#### **Weeks #3-4: Initial client meeting**

- ***Review engagement letter*** with client and obtain signature
- ***Discuss requirements for U AOS***, including need for:
  - Current, valid passport, or need to explain lack of current passport in I-485 supporting affidavit
  - Documentation of continuous physical presence in U.S. since date U nonimmigrant status granted to present
    - Provide client with a written list missing time periods for continuous physical presence
    - Brainstorm ways to show continuous physical presence for missing time periods (e.g. bank statements, cell phone bills, utility bills, social media geotags, medical or dental records, school records, prescriptions, rent receipts, auto or health insurance documents, etc.)
  - Immigration medical exam (Form I-693) completed by authorized USCIS civil surgeon
    - As of December 2, 2024, medical examinations MUST be submitted with the I-485 application. Thus, you should discuss the necessary immigration medical exam with your client at the outset of representation so that the exam can be paid for and completed by the time you are ready to file the I-485 application.
    - An immigration medical examination costs about \$400 and is not covered by health insurance. The cost varies by USCIS civil surgeon. Speak to your

Her Justice mentor if your client expresses financial difficulty affording the cost of an immigration medical exam.

- USCIS civil surgeons can be found online at <https://www.uscis.gov/tools/find-a-civil-surgeon>.
- The medical examination will require your client to have their vaccinations up to date, including vaccinations for: mumps; measles; rubella; polio; tetanus and diphtheria toxoids; pertussis; haemophilus influenzae type B; and hepatitis B.
  - NOTE: As of January 22, 2025, COVID-19 vaccination is no longer required for adjustment of status applicants.
- Biometrics completion.
  - Your client will need to attend a biometrics appointment at a local USCIS Application Support Center. Failure to attend a biometrics appointment can result in the denial of an AOS application.
- **Discuss timeline of case:**
  - Inform client that there is a deadline which corresponds to their U nonimmigrant status expiration date and advise them of the consequence of failing to apply for either an adjustment or extension of status
  - Inform them of the current I-485 processing time as published on the USCIS website: <https://egov.uscis.gov/processing-times/>.
    - As of March 2025, the current I-485 processing time based on an approved U visa is between 14.5-28.5 months, depending on service center
  - Inform them that once filed, they will receive an I-485 receipt notice granting them an extension of U status and including instructions to employers on how to verify employment authorization for U nonimmigrants with timely filed AOS applications if their Employment Authorization Document (EAD, or work permit) based on their U nonimmigrant status, under categories A19 or A20, has expired
  - Inform them that you will file for a new EAD on Form I-765 under category C9 which is the category for pending adjustment of status applications and different from their U nonimmigrant status-based EAD. A new C9 EAD is necessary because their U-based EADs cannot be renewed absent an application for extension of status.
    - C9 EADs are valid for a maximum period of five (5) years.
    - It is possible that your client may have two valid EADs at the same time, one under category C9 and one under A19 or A20. Once a C9 EAD has been issued, your client should switch to using the C9 EAD which will have a longer validity period.
    - It is possible that your client may experience a lapse in EAD or a period of time where she does not have a valid EAD. The I-485 receipt notice contains language regarding employment verification and continued work authorization for U nonimmigrants who have timely filed an adjustment application. Please speak to your Her Justice mentor if there is or will be a potential EAD lapse for your client.

- Check current I-765 processing time as published on the USCIS website: <https://egov.uscis.gov/processing-times/>.
    - As of March 2025, the current I-765 processing time based on pending adjustment under category C9 is 5.5 months.
- **Review eligibility and ask clients about any relevant changes** since they filed for U nonimmigrant status, specifically:
  - Any further contact by law enforcement since they filed for U nonimmigrant
  - Any refusal to cooperate with law enforcement to investigate the underlying criminal activity that formed the basis of the U nonimmigrant status petition
  - Current marital status
  - Current number of children
  - Any new arrests, citations, fines, or encounters with police or immigration enforcement
    - You must include certificates of disposition for any criminal convictions in your client's history, even if they have already been provided to USCIS in the past, as well as explain the circumstances of prior arrests and what happened following the arrest in the client's I-485 supporting affidavit.
  - Any travel outside the U.S.
  - Any derivative beneficiaries abroad in the U.S. who have not yet entered the U.S. as U nonimmigrants
  - Any issues/conflicts with derivative beneficiaries (either abroad or in the U.S.)
  - Discuss any relevant changes with your Her Justice mentor.
- **Assess for positive discretionary factors** favorable to your client. Speak with client about:
  - Reasons for wanting to become a Lawful Permanent Resident
  - Special needs or medical conditions: for themselves, their children, or their dependents
  - Length of residence in U.S. (continuous and in aggregate)
  - Family and community ties
  - Continuing education or volunteer work
  - Work history and professional skills
- Assess potential need for client to travel abroad during pendency of I-485 application.
  - It is possible for AOS applicants to request advance parole on Form I-131 which allows AOS applicants to re-enter the U.S. lawfully after a brief period of absence from the country. Advance parole is discretionary and requires your client to have a current, valid passport.
  - Advance parole is recommended only if your client has a foreseeable emergency abroad, has no prior criminal or immigration history, and has been advised of the risks associated with travel on advance parole and consequences of being outside the U.S. for more than 90 days at a time. Traveling outside the U.S. with advance parole may be risky and is generally not advisable, particularly under administrations hostile to noncitizens.

- Speak to your Her Justice mentor if your client indicates an urgent need to travel abroad.
- Start gathering information needed for Form I-485:
  - Address history for last 5 years, including last address outside U.S.
  - Employment history for last 5 years, including last employer outside U.S., if any
  - Biographic information: ethnicity, race, height, eye color, and hair color
  - Answers to Yes/No questions addressing “General Eligibility and Inadmissibility Grounds”
    - Any Yes answers must be explained on the “Additional Information” page (last page) of the form or as a separate addendum. You can also append multiple “Additional Information” pages, as needed.
- ***Schedule next appointment with client in 1-2 weeks***

#### **Weeks #4-5: Draft forms and affidavits**

- ***Draft Forms G-28, I-485, and I-765:***
  - As of April 1, 2024, there are generally no filing fees associated with U-based AOS forms, including Forms I-485 and I-765.
  - It is very important to download all forms from the USCIS website at:
    - G-28: <https://www.uscis.gov/g-28> - only one (1) G-28 form listing all forms being filed is needed; you do not need to prepare separate G-28 forms for each application
    - I-485: <https://www.uscis.gov/i-485> - each U nonimmigrant should have their own I-485 application
    - I-765: <https://www.uscis.gov/i-765> - each U nonimmigrant should have their own I-765 application filed under category (c)(9)
    -
  - Forms may change without advance notice, and the most recent editions are always on the USCIS website. Check the Edition Date to make sure you are using the most current edition of the relevant form.
- ***Draft Affidavit in Support of I-485 Application.*** Your client’s affidavit should:
  - Affirm three years of continuous physical presence in the U.S.
    - If there are significant gaps in documentation, affidavit should address why primary evidence cannot be obtained. Secondary evidence (e.g. support letter from friend/family member/religious leader) should be included in lieu of primary evidence.
  - Affirm no unreasonable cooperation with law enforcement.
    - If client is a U-2, U-3, U-4 or U-5 nonimmigrant who was not the direct victim of the qualifying crime, they should state their relationship to the U-1 Principal petitioner and that they were not victimized but are willing to cooperate with law enforcement should the need arise.
  - Affirm current, valid passport.

- If client does not have a current, valid passport, affidavit should address why they do not have one (e.g., lack of financial means to obtain passport or travel).
- If client has never had a passport as a U nonimmigrant, they should so state in their affidavit.
- If there is a passport gap between the last passport held during period of U nonimmigrant status and current passport, affidavit should explain reason for passport gap (e.g. did not realize prior passport expired and experienced renewal delays).
- Explain any prior arrests and the outcome of the arrest/criminal case, even if previously disclosed to USCIS
  - Affidavit should focus on circumstances of prior arrest, case disposition, and client rehabilitation
- Explain any discrepancies or inconsistent answers between I-918 petition and I-485 application
- Explain reasons for wanting to remain in U.S./become an LPR and establish positive discretionary factors in your client's favor
- **Draft Cover Letter.**
- **Draft Index of Evidence.** This can be done as a separate document or incorporated into your cover letter.
  - The index should list continuous physical presence evidence chronologically from the date U nonimmigrant status was attained to present, showing what kind of documentation is being submitted by month and year

#### **Weeks #5-6: Obtain feedback from Her Justice mentor**

- **Send draft of all forms, affidavit, cover letter, and index of evidence to your Her Justice mentor for review.**
  - Allow 3-4 days turnaround time for feedback
  - Plan on 2-3 iterations

#### **Weeks #6-8: Final meeting with client**

- If client has provided all continuous presence documents and completed their immigration medical exam, and your Her Justice mentor has reviewed and approved all drafts of affidavits and forms, **schedule a final meeting with client to execute all forms and collect the sealed envelope containing the completed immigration medical exam**, along with the open copy that should have been provided to your client by the USCIS civil surgeon
  - If your client does not have an open copy of the medical exam, provide her with instructions to obtain an open copy.
- If client does not have all continuous presence documents or there are other documents outstanding, including the immigration medical exam, you can still obtain her signature on all forms but will need to schedule another meeting with the client to collect additional documentation/evidence in support of her application.



- **Review case processing timeline with client again:**
  - Receipt notices generally issued 1-2 months after filing
  - Biometrics appointment notices generally issued 2-4 months after filing
  - I-765 approval and C9 EAD generally issued 6-12 months after filing
  - A Request for Evidence (RFE) may be issued if USCIS requires more evidence to adjudicate client's I-485 application. There will be a strict deadline to respond to an RFE if one is issued.
  - I-485 decision and Permanent Resident card, if approved, generally issued 14-30 months after filing
- **Remind client of their responsibility to notify you of any changes to their contact information** during the pendency of their I-485 application (address, phone number, email, etc.)
  - Clients should also inform you of any arrests or encounters with immigration enforcement

### **Weeks #7-9: Finalize packet and send to USCIS**

- **Assemble the application packet** using the Checklist and Instructions for compiling final packet found in this Manual
  - Make sure you have included, at minimum: Forms G-28, I-485, I-765, I-693 (sealed medical exam); I-918 approval notice; I-192 approval notice, if applicable; your client's supporting affidavit; and evidence of continuous physical presence
- **Before sending, double check the correct mailing address on the USCIS website:** <https://www.uscis.gov/i-485>, and update your cover letter as necessary.
  - The USCIS mailing address may change without advance notice, and it is advisable to verify "Where to File" on the USCIS website prior to filing.
- **Send to the correct and most current USCIS mailing address using trackable mail (USPS Priority Mail) or courier service (FedEx, UPS or DHL).**

## **Steps After Filing**

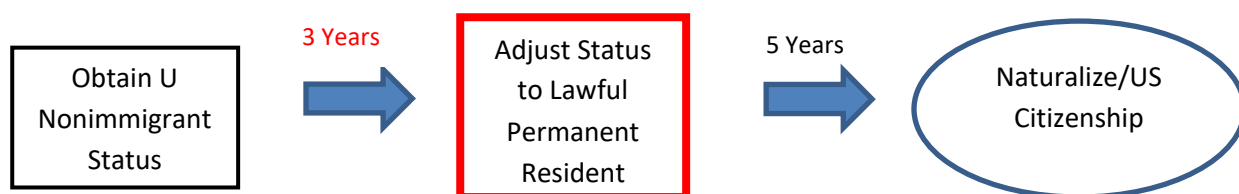
- Receipt notices: ~1-2 months after filing (provide originals to client and a copy to Her Justice mentor)
- Biometrics appointment notice: ~2-4 months after filing (provide original to client and a copy to Her Justice mentor; there is no need to attend a biometrics appointment with client)
- I-765 approval & C9 EAD issuance: ~6-12 months after filing (provide original to client and a copy to Her Justice mentor; remind client to replace prior A19/A20 EAD with new C9 EAD)
- Possible RFE if additional evidence is sought by USCIS; strict deadline applies.
  - The maximum response time for an RFE is 84 days.
  - If you receive an RFE, immediately notify your Her Justice mentor and provide them with a copy of the RFE. Discuss response strategy with your mentor.
  - Notify client of RFE and deadline to respond. Discuss response plan with your client and schedule meeting with client.
- I-485 decision & Permanent Resident card, if approved: ~14-30 months after filing
  - If your client receives a Denial notice or Notice of Intent to Deny (NOID), immediately notify your Her Justice mentor and provide them with a copy of the notice. Strict 33-day deadline applies. Discuss response strategy with your mentor.
    - If NOID issued, client will have one last opportunity to make case for approval prior to decision.
    - If Denial notice issued, decision can be appealed by filing a notice of appeal or motion to reopen/reconsider on Form I-290B.
  - Notify client of NOID or Denial. Discuss response plan with your client and schedule meeting with client.
- If approved, schedule closing meeting with client to provide them with original approval notice and Permanent Resident Card, along with termination letter informing client of eligibility for naturalization and responsibilities as LPR.

## **GUIDE TO U NONIMMIGRANT STATUS ADJUSTMENT OF STATUS: RELEVANT FOR REQUESTING EXTENSION OF U OR T NONIMMIGRANT STATUS**

The main goal when representing a client in an Application for Extension of U or T Nonimmigrant Status on form I-539 is generally so that they can meet the requirements necessary for eventually applying for "Adjustment of Status", the legal process for obtaining lawful permanent residency in the U.S. (a "green card"). Adjustment of Status is a separate legal process that you may or may not be including in your representation. It is important to clarify with your client (through your engagement letter) whether you are only representing them in the extension of status application, or, should their extension of status be approved by USCIS, also in the eventual adjustment of status application.

### **I. Understanding the Context of an Application for Extension of Nonimmigrant Status**

Adjustment of Status is the technical term for the process of obtaining lawful permanent residency for someone who is physically present in the U.S. (as opposed to obtaining an immigrant visa at a U.S. consulate abroad and then entering the U.S. as a lawful permanent resident). Lawful Permanent Resident (LPR) status allows a person to lawfully live and work in the U.S. indefinitely and travel in and out of the U.S. freely (subject to certain limitations). Most of our clients who have U Nonimmigrant Status will have waited over ten years to achieve the stability of lawful permanent residency. Below is a review of the journey that our clients have taken and the importance of an application for Extension of Nonimmigrant Status on the journey to the eventual goal of Adjustment of Status:



Both the application for Extension of Status and the application for Adjustment of Status are administrative filings with the U.S. Citizenship and Immigration Services (USCIS). Below is an explanation of some useful terminology, an overview of the legal requirements for Adjustment of Status for U Nonimmigrants, and a week-by-week guide to handling a U Adjustment of Status case.

### **II. Useful Terminology**

"U Nonimmigrant Status" is granted to someone who is physically present in the U.S. U Adjustment of Status applies to all members of a family who have been granted U Nonimmigrant Status. Each member of the family must file their own Adjustment of Status application on form I-

485. The “Principal” applicant is the person who was the victim of the qualifying crime who cooperated with law enforcement in the investigation or prosecution of the crime and whose Petition for U Nonimmigrant Status was approved (form I-918). The Principal applicant may have family members who qualified as a “Derivative Beneficiary” of her petition for U Nonimmigrant Status through filing form I-918 Supplement A, Petition for Qualifying Family Member of U-1 Recipient. USCIS uses the below codes to distinguish different categories of U Nonimmigrant Status:

- U-1: Principal
- U-2: Spouse
- U-3: Child
- U-4: Parent (if the U-1 is/was a child under 21 years of age)
- U-5: Unmarried Sibling under the age of 18 years of age (if the U-1 is/was under 21 years of age)

A “U visa” is granted to someone who is applying for U status abroad through the U.S. Consulate or Embassy. The U visa allows a person to enter the U.S. lawfully. The person becomes a U Nonimmigrant once they are inspected at the U.S. border and after they physically enter the U.S.

Inadmissibility Grounds: Under the Immigration and Nationality Act, people who have committed certain categories of conduct and past behavior are not permitted to obtain visas or enter the United States lawfully. This concept is codified in the Immigration and Nationality Act (INA) Section 212.

### **III. Overview of Legal Requirements for Adjustment of Status**

These are the legal requirements for U Nonimmigrant Adjustment of Status. Requirements #1 and #2, are the requirements for which many U nonimmigrants, including many derivative beneficiaries, will need to request an “extension of status” using form I-539. Under the Immigration and Nationality Act Section 245(m), each applicant for Adjustment of Status:

- 1. Must be in valid, unexpired U Nonimmigrant status**
  - a. U status cannot have been revoked**
  - b. Certifying law enforcement official must not have withdrawn certification**
  - c. Derivative family member’s relationship to U-1 was not terminated**
- 2. Must have three years continuous physical presence in the U.S. since grant of U status**
  - a. Must be physically present in the U.S. through the adjudication of Adjustment of Status application**
  - b. Cannot have been outside the U.S. for more than 90 days at a time or more than 180 days in the aggregate (unless necessary to assist in the criminal investigation or prosecution)**
  - c. It is possible to extend U Nonimmigrant Status to accrue the required three years of continuous physical presence under certain circumstances.**

3. Must not be inadmissible under INA § 212(a)(3)(E)
  - a. This section pertains to participants in Nazi persecution, genocide, any act of torture or extra judicial killing
4. Has not unreasonably refused to provide assistance in the investigation or prosecution of the underlying qualifying crime
  - a. USCIS will look at the totality of circumstances in assessing whether an applicant has “unreasonably refused to provide assistance”
  - b. USCIS will look at the nature of the request, the nature of the victimization, the applicant’s specific circumstances, and the context of general law enforcement practices and protocols.
5. Must show that adjustment of status is justified on humanitarian grounds, to ensure family unity, or in the public interest
  - a. USCIS will look at the totality of the applicant’s life including but not limited to any arrests, convictions, fraud, the applicant’s community ties to the U.S., contributions to society, rehabilitation after conviction of crime, etc.
6. Merits favorable exercise of discretion
  - a. USCIS may re-visit issues waived at the U Nonimmigrant Status stage.

#### **IV. Overview of Legal Requirements for Extension of Status**

Pursuant to USCIS, will consider a grant of an extension of nonimmigrant status for a U-2, U-3, U-4 or U-5 derivative if the following requirements are met:

- The derivative is physically present in the U.S.;
- The derivative provides a statement of need or reason. A derivative can meet the “exceptional circumstances” argument if they need an extension in order to meet the 3 year continuous presence requirement<sup>1</sup>;
- The applicant has already been granted U nonimmigrant status (can be shown by providing a copy of the derivative’s Form I-94 or I-797 Approval Notice for Form I-918A, or the passport with U nonimmigrant visa); and
  - Note that the applicant should be in valid U nonimmigrant status at the time that extension of status application is filed. However, USCIS has discretion to grant an extension based upon on an untimely filed Form I-539 on a case-by-case basis as long as an explanation is provided in writing as to why the filing is untimely
- The applicant can provide evidence of their relationship to the U-1 nonimmigrant principal

#### **V. Weekly Step By Step Guide: I-539 Extension of Nonimmigrant Status**

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<sup>1</sup> See USCIS Policy Memorandum PM-602-0032.1 “ Extension of Status for T and U Nonimmigrants; Revisions to *Adjudicator’s Field Manual (AFM)* Chapter 39.1(g)(3) and Chapter 39.2(g)(3) (AFM Update AD11-28)” April 19, 2011

## PLEASE ABBREVIATE THIS TIMELINE IF YOU ARE IN A SHORTENED SUMMER ASSOCIATE PROGRAM

### Week #1-2: Review file

- Review case file
- You should understand the immigration history of your client, including the date that they were granted U nonimmigrant status, their entry date(s) into the U.S. and the expiration date of their U nonimmigrant status.
- **KNOW YOUR DEADLINE:** Mark your calendars with the **date of expiration of U Nonimmigrant Status for your client**. You must submit form I-539 before the expiration date of the client's U Nonimmigrant Status unless you can provide a compelling explanation for the untimely filing.
  - U Nonimmigrant Status, and its accompanying Employment Authorization Document (EAD) is granted for a maximum of four years. An applicant becomes eligible for Adjustment of Status after three years in U Nonimmigrant Status (there is a one year window in which to file for Adjustment of Status).
  - If applicant does not file an application for Adjustment of Status before U Nonimmigrant Status expires and does not file an extension of status, they will become undocumented.
  - The U Nonimmigrant Status expiration date will be clearly listed in the Case Opening Report Summary and is also a document in your client's case file. ("I-797 Notice of Action" Approving U Nonimmigrant Status; Form I-918 for principal/ I-918A for derivative family member). The date of expiration of U Nonimmigrant Status is the date by which the U.S. Citizenship and Immigration Service **must receive** your client's extension of status request. Aim to file the application at least a few months before the expiration of U Nonimmigrant Status, so that your client remains authorized to work and you have to time to address any fee waiver-related rejections of the application filing.
- After reviewing the file, speak to Her Justice mentor about any questions that arise.

### Week #2-3: Reach out to client

- Call client and set up initial meeting
  - Arrange for interpretation services if necessary.
  - Give client available options for the meeting, whether in-person at your office, remote (via phone or video call), or both. If meeting will be in-person, give her detailed directions to your office.
  - If the meeting will be in-person:
    - Tell client about any security protocols in your office building (e.g., will need to present photo ID, go through a metal detector, etc.) and/or meet downstairs in the lobby.
    - Inform client that they must come to the appointment alone and should not bring other people. If applicable, speak to client about their ability to procure childcare.

- Ascertain whether client is missing work in order to come to your office. Tell them how long you anticipate the meeting will last (usually about an hour and a half).
- Ask client to bring documents missing from your file. If they do not have the documents you request, tell them that you will discuss how they can get those documents during the meeting.
- Prepare engagement letter

### **Week #3-4: Initial client meeting**

- Go over engagement letter. Clarify whether the engagement includes only the application for extension of status or, if the extension of status is approved by USCIS, whether the engagement also includes filing for adjustment of status.
- Go over timeline for the case:
  - Inform client that there is a deadline.
  - Inform client that adjudication of extension of status case currently takes about 12 months.
  - Inform client that once filed, client will receive a receipt notice
  - Inform client that you will file for a new employment authorization document ("EAD" or "work permit" on Form I-765). This is because it takes about five to seven months to renew a work permit and you want to make sure client can continue to work without any lapse in authorization.
  - Inform client that after the filing they will need to attend a biometrics appointment (where USCIS will take their fingerprints and photographs)
- Go over your understanding of the client's history of exits and entries into the U.S. and any issues that were flagged in the case summary. If any relevant changes have been identified, speak with your Her Justice mentor.
- Start going over forms<sup>2</sup>:
  - I-539: application for extension of nonimmigrant status
  - I-765: application for employment authorization
- Schedule next appointment with client in 1-2 weeks

### **Week #4-5: Draft forms and affidavits**

- Start filling out I-539, G-28, and I-765
  - It is very important to download all forms from the USCIS website. Forms change all the time and the most recent editions are always on the USCIS website.
  - For I-539, use "Additional Information" page to explain any "yes" or "unclear" answers. Prepare additional addendum (another "Additional Information" page) if there is not enough space.
  - An I-765 should be filed for client, even if they are a child.
- Draft affidavits:

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<sup>2</sup> Note that as of April 1, 2024, no fees are associated with extensions of status related to U visa, T visa or VAWA applications.

- Affidavit in support of extension of status application
  - Affidavit in support of fee waiver request, if necessary
- Draft Index of Exhibits
- Draft Cover Letter

#### **Week #5-6: Obtain feedback from Her Justice mentor**

- Send draft of all forms and affidavits to your Her Justice mentor for review
  - Allow 3-4 days turnaround time for feedback
  - Plan on 2-3 iterations

#### **Week #6-8: Second/final meeting with client**

- If client has all documents and your Her Justice mentor has reviewed and approved all drafts of affidavits and forms, schedule final meeting with client to execute all forms.
  - Go over timeline with client again:
    - Biometrics in 1-3 months after filing, EAD (if filed) 6-12 months after filing, decision approximately 12 months after filing
    - Remind client to stay in touch with you and update you with any changes in contact information

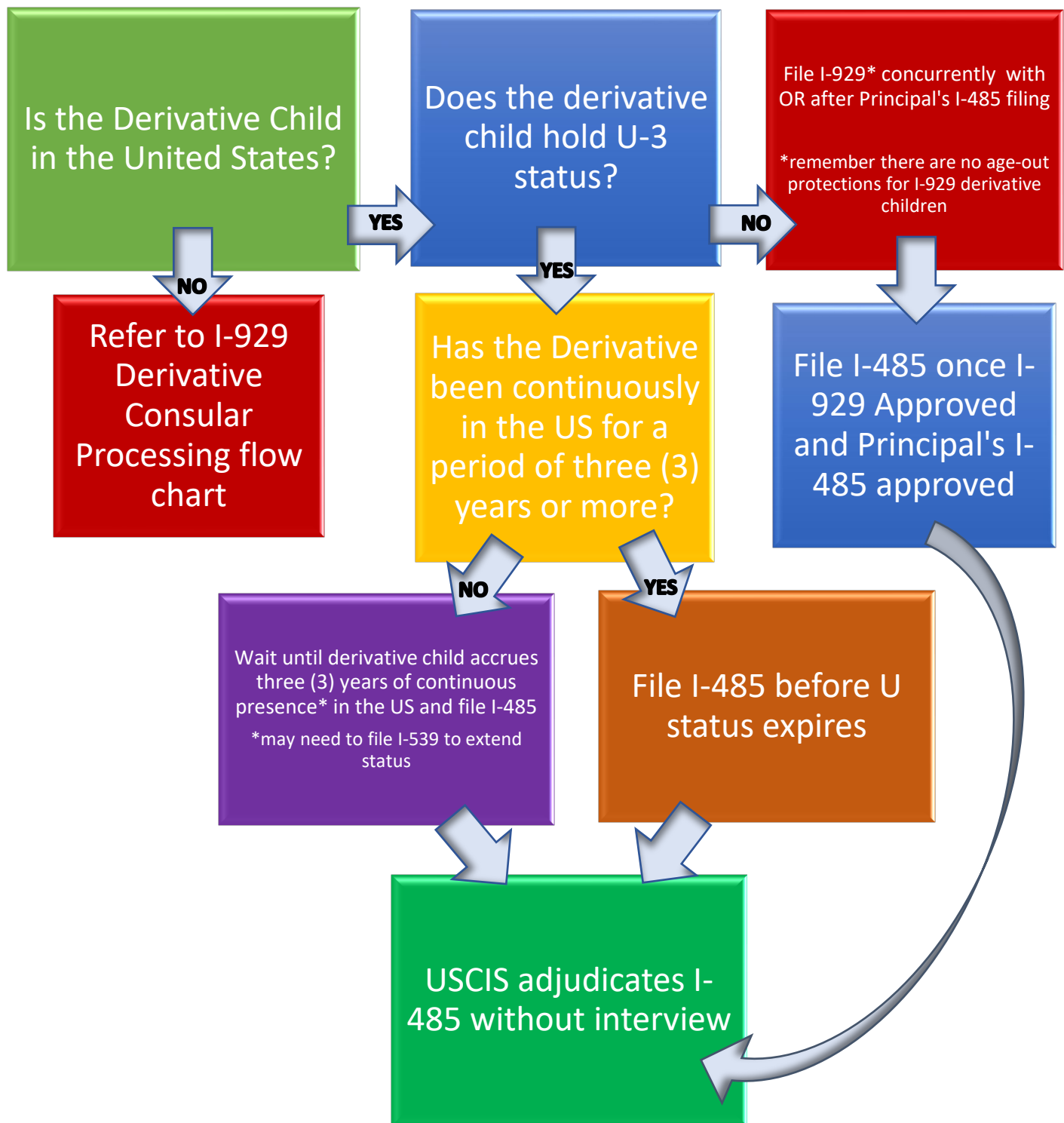
#### **Week #7-9: Finalize packet and send to USCIS**

- Compile all documents using instructions for compiling final packet
- Send to USCIS using trackable mail or courier service

#### **Steps After Filing**

- Receipt notices: 2-3 weeks after filing (provide copy to client)
- Biometrics notice: 1-3 months after filing (provide original to client; no need to attend biometrics appointment with client)
- EAD issued: 6-12 months after filing (provide original to client)
- A Request for Evidence (RFE) may be received at any time. Speak to Her Justice mentor about any RFE that is received.
- Decision ("Extension Notice"): 12 months after filing. Please look carefully at this notice and notify client and Her Justice mentor about the new expiration date of the U nonimmigrant status.
- Closing meeting with client and provide termination letter





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## ADJUSTMENT OF STATUS FOR U DERIVATIVE

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# EXHIBIT 2

**INITIAL FILING: SAMPLE FORMS**

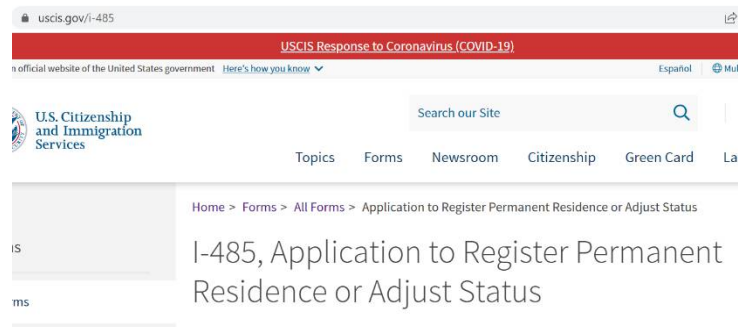
## **EXHIBIT 2 – INITIAL FILING: SAMPLE FORMS**

- A. Exhibit 2 Table of Contents
- B. USCIS Forms: WARNING
- C. Information about Client Signatures
- D. U Adjustment Document Checklist
- E. Sample I-918 Approval
- F. Sample I-192 Approval
- G. Sample G-28
- H. Sample I-485
- I. I-485 Questions in Spanish
- J. Sample I-765
- K. Packet Assembly Instructions
- L. Medical Examination Information Form I-693
- M. USCIS Fee Exemptions Chart (April 2024)

## USCIS FORMS: WARNING

The forms contained in this manual are for instructional and educational purposes only. They are not necessarily the most up to date forms. USCIS forms change periodically. If you do not file the current edition of the form, the filing will be rejected by USCIS, potentially causing a missed deadline and malpractice. It is critical that you confirm that you are using the current edition of the relevant form by following the steps below. You should do this both before the client signs the form and also before you mail the form to USCIS:

1. Go to [www.uscis.gov/](http://www.uscis.gov/) forms. Find the form number that you are looking for.
2. Go to the webpage for that form:



3. Scroll down to where it says "Form Details" - "Edition Date":



4. Check the bottom left corner of the form you are filing (not the top right corner where it says "expires") and make sure that it matches the Edition Date on the webpage. If so, your form is the current version and you are ready to file. If not, you must download the current edition and execute that one instead:

A screenshot of the bottom left corner of Form I-485. It shows fields for '13.d. City or Town', '13.e. State' (a dropdown menu), and '13.f. ZIP Code'. To the right is field '24. Date of Last Arrival (mm/yy)'. At the bottom left, there is a line that reads 'Form I-485 Edition 03/29/21'. To the right of this line is a QR code. A red oval is drawn around the 'Form I-485 Edition 03/29/21' text.

## **INFORMATION ABOUT CLIENT SIGNATURES ON USCIS FILINGS**

**Please check the USCIS COVID-19 website periodically for updates relating to all of the below information: <https://www.uscis.gov/about-us/uscis-response-covid-19>**

### **CLIENT SIGNATURES**

U.S. Citizenship and Immigration Services (USCIS) announced that, due to the ongoing COVID-19 National Emergency announced by President Trump on March 13, 2020, they will accept all benefit forms and documents with reproduced original signatures, for submissions dated March 21, 2020, "and beyond". USCIS has made this policy permanent and incorporated it into its Policy Manual. See [https://www.uscis.gov/policy-manual/volume-1-part-b-chapter-](https://www.uscis.gov/policy-manual/volume-1-part-b-chapter-2#:~:text=Signature%20Requirement,before%20filing%20it%20with%20USCIS)

2#:~:text=Signature%20Requirement,before%20filing%20it%20with%20USCIS.

<b>Acceptable</b>	<b>Unacceptable</b>
<ul style="list-style-type: none"><li>• Original signature</li><li>• Handwritten "X," or similar mark, in ink (including a fingerprint, if unable to write)</li><li>• Abbreviated signature, if that is the normal signature</li><li>• Signature of parent or legal guardian of benefit requestor if requestor is under 14 years of age</li><li>• Signature by the benefit requestor's legal guardian, surrogate, or person with a valid durable power of attorney or a similar legally binding document<sup>[7]</sup></li><li>• An original signature on the benefit request that is later photocopied, scanned, faxed, or similarly reproduced, unless otherwise required by form instructions</li><li>• For benefit requests filed electronically as permitted by form instructions,</li></ul>	<ul style="list-style-type: none"><li>• Typed name on signature line</li><li>• Signature by an attorney or representative signing for the requestor or requestor's child</li><li>• Signature created by a typewriter, word processor, stamp, auto-pen, or similar device<sup>[9]</sup></li></ul>

Acceptable	Unacceptable
USCIS accepts signatures in an electronic format. Benefit requestors must follow the instructions provided to properly sign electronically, see 8 CFR 103.2(a)(2).	

## DECLARATIONS/ STATEMENTS FOR CLIENT AND SUPPORTING WITNESSES

It is not legally required to provide notarized affidavits to USCIS as evidence in support of VAWA and related applications. The samples in this manual contain notarized affidavits because that is the best possible evidence to provide. The standard for evidence for VAWA filings with USCIS is “any credible evidence”. **Unsworn statements will be accepted as evidence.**

- If you are providing unsworn statements in support of your client’s application(s), we recommend including the following language pursuant to 28 U.S. Code Section 1746:

(1) If executed outside the United States: “I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date) (Signature)”.

(2) If executed within the United States, its territories, possessions, or commonwealths: “I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date) (Signature)”.

- If you choose to notarize a document remotely during COVID-19, please refer to the New York State Department of State website for current guidance on how to properly do this: <https://dos.ny.gov/notary-public>

## **U ADJUSTMENT OF STATUS PACKET CHECKLIST**

You may find it helpful to complete the following tasks in the order of the checklist:

### **I-485 Adjustment of Status (AOS) Checklist**

<b><u>Required Forms, Affidavit &amp; More</u></b>	Status
<b>Form G-28</b> listing representation for Forms I-485 and I-765	
<b>Form I-485</b> , including explanation for any "Yes" answers on Additional Information pages or separate addendum	
<b>Form I-693</b> , Report of Immigration Medical Exam and Vaccination Record completed by USCIS civil surgeon in sealed envelope	
<b>Affidavit</b> that includes: <ul style="list-style-type: none"><li>• Attestation that client has <b><u>cooperated</u></b> fully with LEA and that further assistance was not requested since the conclusion of the investigation or prosecution. Affidavit should identify the law enforcement personnel involved (certifier) and a statement that the affiant remains ready and willing to participate in any further proceedings regarding the crime<sup>1</sup></li><li>• Attestation of <b><u>continuous physical presence</u></b> for at least 3 years in U Nonimmigrant Status</li><li>• Attestation regarding <b><u>Justification for Adjustment of Status</u></b><sup>2</sup></li><li>• Attestation regarding any travel abroad<sup>3</sup> or passport lapses or gaps</li><li>• Attestation explaining circumstances of any prior arrest and outcome of arrest, if applicable</li></ul>	
<b>Cover Letter</b>	
<b>Index of Evidence</b>	
<b>Two (2) passport-style photographs</b> that comply with Department of State passport photo requirements: <a href="https://travel.state.gov/content/travel/en/passports/how-apply/photos.html">https://travel.state.gov/content/travel/en/passports/how-apply/photos.html</a>	

<sup>1</sup> The portion regarding law enforcement cooperation is only necessary in affidavits of adjustment applicants in U-1 Nonimmigrant Status; derivative applicants (U-2, U-3, U-4 or U-5) do not need to discuss cooperation with law enforcement officials but may include a statement that they are willing to cooperate, as needed.

<sup>2</sup> INA § 245(m)(1)(B): "Continued Presence of Applicant in United States is justified on humanitarian grounds, to ensure family unity, or is otherwise in the public interest." This section should establish discretionary factors in your client's favor.

<sup>3</sup> If client travelled outside U.S. during U nonimmigrant status, need to document each trip (date, manner, and place of return) and if absence from U.S. is greater than 90 days or aggregate of 180 days, need certificate from LEA and to show connection to criminal investigation or prosecution

## **I-485 Adjustment of Status (AOS) Checklist (cont.)**

<b><u>Supporting Evidence</u></b>	<b>Status</b>
Copy of <b>lawful admission as U Nonimmigrant</b> : <ul style="list-style-type: none"> <li>I-918 or I-918A Approval Notice (Form I-797) with Form I-94 on bottom of notice, or</li> <li>I-918 or I-918A Approval Notice (Form I-797) + U visa + passport entry stamp with duration of stay</li> </ul>	
Copy of <b>prior waiver of inadmissibility: I-192 Approval Notice</b> (Form I-797), if applicable	
Copy of <b>ALL pages of Current, Valid Passport<sup>4</sup></b> , if any	
Copy of <b>ALL pages of any other Expired Passport held during period of U Nonimmigrant Status</b> , if any	
Copy of <b>Birth Certificate</b> , with certified English translation (if applicable), that complies with Department of State Visa Reciprocity Schedule: <a href="https://travel.state.gov/content/travel/en/us-visas/Visa-Reciprocity-and-Civil-Documents-by-Country.html">https://travel.state.gov/content/travel/en/us-visas/Visa-Reciprocity-and-Civil-Documents-by-Country.html</a>	
Copy of any <b>Marriage Certificates and/or Divorce Judgments</b>	
Copy of <b>Birth Certificate of U.S. Citizen Children</b> , if any	
<b><u>Documents establishing continuous physical presence for at least 3 years since date of U Nonimmigrant Status admission</u></b> (organized chronologically by month & year): e.g. <ul style="list-style-type: none"> <li>W-2 form;</li> <li>Paystubs;</li> <li>Tax returns;</li> <li>Bank statements;</li> <li>Bills: utilities (electricity, water, garbage), cell phone, cable/Internet, medical/dental, insurance, etc.;</li> <li>Medical or dental records: appointment confirmations, after-visit summaries, prescriptions, health insurance documents, etc.</li> <li>Rental agreements, mortgage documents, letter from landlord regarding length of residence, or rent receipts;</li> <li>Business records: permits/licenses, applications, etc.;</li> <li>DMV records: driver's license, state ID, vehicle registration documents, driver abstract, auto insurance documents, etc.</li> <li>Education records (for self or child): enrollment forms, attendance history, etc.;</li> <li>Children's birth certificates;</li> <li>Memberships: gym, library, warehouse clubs, etc.;</li> <li>Certificates: professional development, volunteer, workshop/training attendance, etc.;</li> <li>Support letters: teachers, religious leaders, friends/family, etc.;</li> <li>Social media (of self or others): geotagged posts or photos at iconic locations with date;</li> <li>Mail received showing date &amp; address.</li> </ul>	

<sup>4</sup> If client does not have current, valid passport or there are lapses/gaps in between passports held as a U nonimmigrant, need to explain in client's affidavit.



<b>Certificates of Disposition</b> for any prior arrests, if applicable	
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**I-765 Employment Authorization Document (EAD) Checklist**

<b><u>Required Forms, Affidavit &amp; More</u></b>	Status
<b>Copy of Form G-28</b> listing representation for Forms I-485 and I-765	
<b>Form I-765</b> , under category (c)(9)	
<b>Two (2) passport-style photographs</b> that comply with Department of State passport photo requirements: <a href="https://travel.state.gov/content/travel/en/passports/how-apply/photos.html">https://travel.state.gov/content/travel/en/passports/how-apply/photos.html</a>	
Copy of <b>front &amp; back of previously-issued EAD</b>	



<b>RECEIPT NUMBER</b> EAC- [REDACTED]		<b>CASE TYPE</b> I918 PETITION FOR U NONIMMIGRANT STATUS
<b>RECEIPT DATE</b> November 13, 2013	<b>PRIORITY DATE</b>	<b>APPLICANT</b> A [REDACTED]
<b>NOTICE DATE</b> November 23, 2016	<b>PAGE</b> 1 of 2	<b>BENEFICIARY</b> [REDACTED]
[REDACTED] 399 PARK AVENUE FLR 24 NEW YORK NY 10022		<b>Notice Type:</b> Approval Notice <b>Class:</b> U1 <b>Valid from</b> 11/23/2016 to 11/22/2020

Your Petition for U Nonimmigrant Status has been approved. Attached below please find a completed Form I-94, Arrival-Departure Record, indicating that you have been granted U nonimmigrant status for a period of 4 years.

**EMPLOYMENT AUTHORIZATION:**

You are authorized to work in the United States for the validity period of your U nonimmigrant status. Your Employment Authorization Document will be mailed to you separately.

**ADJUSTMENT OF STATUS:**

Federal law provides that you may be eligible to adjust your status to that of a lawful permanent resident. A U-1 nonimmigrant may submit an application for adjustment of status after he/she has been physically present in the United States for a continuous period of at least 3 years after the date he/she was admitted as a U-1 nonimmigrant.

**DERIVATIVE U NONIMMIGRANT CLASSIFICATION:**

You may request derivative U nonimmigrant status for qualifying family members. To request derivative status, you must submit a Form I-918 with Supplement A in accordance with the instructions printed on the form. If you included qualifying family members on your original application, a notice of decision on the derivative petition(s) will be mailed to you separately.

**DEPARTING FROM THE UNITED STATES:**

Aliens with U nonimmigrant status may travel outside the United States. However, in order to return to the United

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

VERMONT SERVICE CENTER  
US CITIZENSHIP & IMMIGRATION SVCS  
75 LOWER WELDEN STREET  
SAINT ALBANS VT 05479-0001



**Customer Service Telephone:** (800) 375-5283  
Form I797A (Rev. 10/31/05)N

PLEASE TEAR OFF FORM I-94 PRINTED BELOW, AND STAPLE TO ORIGINAL I-94 IF AVAILABLE

Detach This Half for Personal Records

**Receipt#** EAC- [REDACTED]  
**I-94#** [REDACTED]  
**NAME** [REDACTED]  
**CLASS** U1

**VALID FROM** 11/23/2016 **UNTIL** 11/22/2020

**PETITIONER:** [REDACTED]  
399 PARK AVENUE FLR 24  
NEW YORK NY 10022

**Receipt Number** EAC- [REDACTED]  
**United States Citizenship and Immigration Services**

**I-94**  
**Departure Record** **Petitioner:** [REDACTED]

<b>14. Family Name</b> [REDACTED]	
<b>15. First (Given) Name</b> [REDACTED]	<b>16. Date of Birth</b> 0 [REDACTED]
<b>17. Country of Citizenship</b> MEXICO	



- Please save the upper portion of this notice for your records. Please enclose a copy if you have to write us or a U. S. Consulate about this case, or if you file another application based on this decision.
- You will be notified separately about any other applications or petitions you have filed.

## Additional Information

### GENERAL.

The filing of an application or petition does not in itself allow a person to enter the United States and does not confer any other right or benefit.

### INQUIRIES.

You should contact the office listed on the reverse side of this notice if you have questions about the notice, or questions about the status of your application or petition. *We recommend you call.* However, if you write us, please enclose a copy of this notice with your letter.

### APPROVAL OF NONIMMIGRANT PETITION.

Approval of a nonimmigrant petition means that the person for whom it was filed has been found eligible for the requested classification. If this notice indicates we are notifying a U.S. Consulate about the approval for the purpose of visa issuance, and you or the person you filed for have questions about visa issuance, please contact the appropriate U.S. Consulate directly.

### APPROVAL OF AN IMMIGRANT PETITION.

Approval of an immigrant petition does not convey any right or status. The approved petition simply establishes a basis upon which the person you filed for can apply for an immigrant or fiance(e) visa or for adjustment of status.

A person is not guaranteed issuance of a visa or a grant of adjustment simply because this petition is approved. Those processes look at additional criteria.

If this notice indicates we have approved the immigrant petition you filed, and have forwarded it to the Department of State National Visa Center, that office will contact the person you filed the petition for directly with information about visa issuance.

In addition to the information on the reverse side of this notice, the instructions for the petition you filed provide additional information about processing after approval of the petition.

For more information about whether a person who is already in the United States can apply for adjustment of status, please see Form I-485, *Application to Register Permanent Residence or Adjust Status*, or call our National Customer Service Center at **1-800-375-5283**.

### FORM I-94 ATTACHMENT.

The section of this notice below the perforation is a replacement Form I-94. After you have used this form to complete any necessary Form I-9, or other required documentation, tear off the bottom portion and give it to the alien. When you are looking at the front of the tear off, the alien should keep the right portion with his or her original Form I-94 and passport, if any, as evidence of the changes made to his or her status. A copy of it should be submitted with any subsequent application or petition.

The smaller portion on the left on the left of the tear off is for the alien to keep as a permanent record of this action. He or she should be advised to **not** keep this stub with his or her Form I-94. If he or she should ever lose the replacement Form I-94, a copy of this stub should be submitted with the application for a new replacement Form I-94.

**Warning:** A nonimmigrant who accepts unauthorized employment is subject to deportation.

**Important:** Retain this permit in your possession; you must surrender it when you leave the U.S. Failure to do so may delay your reentry into the U.S. in the future. You are authorized to stay in the U.S. only until the date written on this form. To remain past this date, without permission from immigration authorities, is a violation of the law.

#### Surrender this permit when you leave the U.S.:

- By sea or air, to the transportation line;
- Across the Canadian border, to a Canadian Official;
- Across the Mexican border, to a U.S. Official;

Students planning to reenter the U.S. within 30 days to return to the same school, see "Arrival-Departure" on Page 2 of Form I-20 prior to surrendering this permit.

#### Record of Changes

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**Port:** **Departure Record**

**Date:**

**Carrier:**

**Flight # /Ship Name:** \_\_\_\_\_

### ALIEN'S PERMANENT RECORD





<b>RECEIPT NUMBER</b> EAC- [REDACTED]		<b>CASE TYPE</b> I192 APPLICATION FOR ADVANCE PERMISSION TO ENTER AS NONIMMIGRANT
<b>RECEIPT DATE</b> November 13, 2013	<b>PRIORITY DATE</b>	<b>APPLICANT</b> A [REDACTED]
<b>NOTICE DATE</b> November 23, 2016	<b>PAGE</b> 1 of 1	
[REDACTED] 399 PARK AVENUE FLR 24 NEW YORK NY 10022		<b>Notice Type:</b> Approval Notice <b>Consulate:</b> KENTUCKY CONSUL CTR

The above application for advance permission to enter the U. S. as a nonimmigrant has been approved.

Grounds of Indamissibility Waiver(s):

212(d)(14)

The back of this form contains additional general information. If the applicant has questions about the conditions of this approval, he or she should contact the nearest U. S. consulate.

Enclosures.

**THIS FORM IS NOT A VISA AND MAY NOT BE USED IN PLACE OF A VISA.**

NOTICE: Although this application/petition has been approved, USCIS and the U.S. Department of Homeland Security reserve the right to verify the information submitted in this application, petition and/or supporting documentation to ensure conformity with applicable laws, rules, regulations, and other authorities. Methods used for verifying information may include, but are not limited to, the review of public information and records, contact by correspondence, the internet, or telephone, and site inspections of businesses and residences. Information obtained during the course of verification will be used to determine whether revocation, rescission, and/or removal proceedings are appropriate. Applicants, petitioners, and representatives of record will be provided an opportunity to address derogatory information before any formal proceeding is initiated.

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

VERMONT SERVICE CENTER

US CITIZENSHIP & IMMIGRATION SVCS

75 LOWER WELDEN STREET

SAINT ALBANS VT 05479-0001

**Customer Service Telephone: (800) 375-5283**



- Please save this notice for your records. Please enclose a copy if you have to write us or a U. S. Consulate about this case, or if you file another application based on this decision.
- You will be notified separately about any other applications or petitions you have filed.

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### ***Additional Information***

#### **GENERAL.**

The filing of an application or petition does not in itself allow a person to enter the United States and does not confer any other right or benefit.

#### **INQUIRIES.**

You should contact the office listed on the reverse side of this notice if you have questions about the notice, or questions about the status of your application or petition. *We recommend you call.* However, if you write us, please enclose a copy of this notice with your letter.

#### **APPROVAL OF NONIMMIGRANT PETITION.**

Approval of a nonimmigrant petition means that the person for whom it was filed has been found eligible for the requested classification. If this notice indicated we are notifying a U.S. Consulate about the approval for the purpose of visa issuance, and you or the person you filed for have questions about visa issuance, please contact the appropriate U.S. Consulate directly.

#### **APPROVAL OF AN IMMIGRANT PETITION.**

Approval of an immigrant petition does not convey any right or status. The approved petition simply establishes a basis upon which the person you filed for can apply for an immigrant or fiance(e) visa or for adjustment of status.

A person is not guaranteed issuance of a visa or a grant of adjustment simply because this petition is approved. Those processes look at additional criteria.

If this notice indicates we have approved the immigrant petition you filed, and have forwarded it to the Department of State Immigrant Visa Processing Center, that office will contact the person you filed the petition for directly with information about visa issuance.

In addition to the information on the reverse of this notice, the instructions for the petition you filed provide additional information about processing after approval of the petition.

For more information about whether a person who is already in the U.S. can apply for adjustment of status, please see Form I-485, *Application to Register Permanent Residence or Adjust Status*.





**Notice of Entry of Appearance  
as Attorney or Accredited Representative**

**Department of Homeland Security**

**DHS**  
**Form G-28**  
OMB No. 1615-0105  
Expires 05/31/2021

**Part 1. Information About Attorney or Accredited Representative**

1. USCIS Online Account Number (if any)

▶

**Name of Attorney or Accredited Representative**

2.a. Family Name (Last Name)

2.b. Given Name (First Name)

2.c. Middle Name

**Address of Attorney or Accredited Representative**

3.a. Street Number and Name

3.b. ☐ Apt. ☐ Ste. ☐ Flr.

3.c. City or Town

3.d. State  3.e. ZIP Code

3.f. Province

3.g. Postal Code

3.h. Country

**Contact Information of Attorney or Accredited Representative**

4. Daytime Telephone Number

5. Mobile Telephone Number (if any)

6. Email Address (if any)

7. Fax Number (if any)

**Part 2. Eligibility Information for Attorney or Accredited Representative**

Select **all applicable** items.

1.a. ☒ I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest courts of the following states, possessions, territories, commonwealths, or the District of Columbia. If you need extra space to complete this section, use the space provided in **Part 6. Additional Information**.

Licensing Authority

1.b. Bar Number (if applicable)

1.c. I (select **only one** box) ☒ am not ☐ am subject to any order suspending, enjoining, restraining, disbaring, or otherwise restricting me in the practice of law. If you are subject to any orders, use the space provided in **Part 6. Additional Information** to provide an explanation.

1.d. Name of Law Firm or Organization (if applicable)

2.a. ☐ I am an accredited representative of the following qualified nonprofit religious, charitable, social service, or similar organization established in the United States and recognized by the Department of Justice in accordance with 8 CFR part 1292.

2.b. Name of Recognized Organization

2.c. Date of Accreditation (mm/dd/yyyy)

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

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

4.b. Name of Law Student or Law Graduate

### Part 3. Notice of Appearance as Attorney or Accredited Representative

If you need extra space to complete this section, use the space provided in **Part 6. Additional Information**.

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

- 1.a. ☒ U.S. Citizenship and Immigration Services (USCIS)
- 1.b. List the form numbers or specific matter in which appearance is entered.  
**I-485 I-765**
- 2.a. ☐ U.S. Immigration and Customs Enforcement (ICE)
- 2.b. List the specific matter in which appearance is entered.
- 3.a. ☐ U.S. Customs and Border Protection (CBP)
- 3.b. List the specific matter in which appearance is entered.
4. Receipt Number (if any)  
▶ 

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5. I enter my appearance as an attorney or accredited representative at the request of the (select **only one** box):  
☒ Applicant ☐ Petitioner ☐ Requestor  
☐ Beneficiary/Derivative ☐ Respondent (ICE, CBP)

### Information About Client (Applicant, Petitioner, Requestor, Beneficiary or Derivative, Respondent, or Authorized Signatory for an Entity)

- 6.a. Family Name (Last Name) **Client**
- 6.b. Given Name (First Name) **Jay**
- 6.c. Middle Name **Doe**
- 7.a. Name of Entity (if applicable)
- 7.b. Title of Authorized Signatory for Entity (if applicable)
8. Client's USCIS Online Account Number (if any)  
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9. Client's Alien Registration Number (A-Number) (if any)  
▶ A- 

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### Client's Contact Information

10. Daytime Telephone Number  
**2124445555**
11. Mobile Telephone Number (if any)
12. Email Address (if any)

### Mailing Address of Client

**NOTE:** Provide the client's mailing address. **Do not** provide the business mailing address of the attorney or accredited representative **unless** it serves as the safe mailing address on the application or petition being filed with this Form G-28.

- 13.a. Street Number and Name **345 Main Street**
- 13.b. ☐ Apt. ☐ Ste. ☐ Flr.
- 13.c. City or Town **New York**
- 13.d. State **NY** 13.e. ZIP Code **10005**
- 13.f. Province
- 13.g. Postal Code
- 13.h. Country  
**USA**

### Part 4. Client's Consent to Representation and Signature

#### Consent to Representation and Release of Information

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

#### Part 4. Client's Consent to Representation and Signature (continued)

##### *Options Regarding Receipt of USCIS Notices and Documents*

USCIS will send notices to both a represented party (the client) and his, her, or its attorney or accredited representative either through mail or electronic delivery. USCIS will send all secure identity documents and Travel Documents to the client's U.S. mailing address.

If you want to have notices and/or secure identity documents sent to your attorney or accredited representative of record rather than to you, please select **all applicable** items below. You may change these elections through written notice to USCIS.

- 1.a. ☒ I request that USCIS send original notices on an application or petition to the business address of my attorney or accredited representative as listed in this form.
- 1.b. ☒ I request that USCIS send any secure identity document (Permanent Resident Card, Employment Authorization Document, or Travel Document) that I receive to the U.S. business address of my attorney or accredited representative (or to a designated military or diplomatic address in a foreign country (if permitted)).
- NOTE:** If your notice contains Form I-94, Arrival-Departure Record, USCIS will send the notice to the U.S. business address of your attorney or accredited representative. If you would rather have your Form I-94 sent directly to you, select **Item Number 1.c.**
- 1.c. ☒ I request that USCIS send my notice containing Form I-94 to me at my U.S. mailing address.

##### *Signature of Client or Authorized Signatory for an Entity*

2.a. Signature of Client or Authorized Signatory for an Entity



2.b. Date of Signature (mm/dd/yyyy)

#### Part 5. Signature of Attorney or Accredited Representative

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

1. a. Signature of Attorney or Accredited Representative

1.b. Date of Signature (mm/dd/yyyy)

2.a. Signature of Law Student or Law Graduate

2.b. Date of Signature (mm/dd/yyyy)



## Part 6. Additional Information

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

1.a. Family Name (Last Name)

1.b. Given Name (First Name)

1.c. Middle Name

2.a. Page Number   
2.b. Part Number   
2.c. Item Number

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3.b. Part Number   
3.c. Item Number

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4.a. Page Number   
4.b. Part Number   
4.c. Item Number

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5.b. Part Number   
5.c. Item Number

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6.a. Page Number   
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6.c. Item Number

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# Application to Register Permanent Residence or Adjust Status

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

USCIS  
Form I-485  
OMB No. 1615-0023  
Expires 10/31/2027

## For USCIS Use Only

Preference Category:	Receipt	Action Block  <b>NOTE: Commentary/practice tips are noted below in red.</b>
Country Chargeable:		
Priority Date:		
Date Form I-693 Signed By Civil Surgeon:		
<input type="checkbox"/> Applicant Interviewed <input type="checkbox"/> Interview Waived Date of Initial Interview: _____ Lawful Permanent Resident as of: _____	<b>Section of Law</b> <input type="checkbox"/> INA 209(a) <input type="checkbox"/> INA 245(m) <input type="checkbox"/> INA 209(b) <input type="checkbox"/> INA 249 <input type="checkbox"/> INA 245(a) <input type="checkbox"/> Sec. 13, Act of 9/11/57 <input type="checkbox"/> INA 245(i) <input type="checkbox"/> Cuban Adjustment Act <input type="checkbox"/> INA 245(j) <input type="checkbox"/> Other _____	

Remember to check box  
for G-28 & include attorney bar #.

To be completed by an Attorney or Accredited Representative (if any).

<input checked="" type="checkbox"/> <b>Select this box if Form G-28 is attached.</b>	Volag Number (if any) <div></div>	Attorney State Bar Number (if applicable) <div>1234567</div>	Attorney or Accredited Representative USCIS Online Account Number (if any) <div></div>
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A# can be found on EAD & USCIS approval notices.

► **START HERE - Type or print in black ink.**

A-Number ► A- 

1	2	3	4	5	6	7	8	9
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**NOTE TO ALL APPLICANTS:** If you do not completely fill out this application or fail to submit required documents listed in the Instructions, U.S. Citizenship and Immigration Services (USCIS) may reject or deny your application.

For all sections of this application, if you need to provide any additional information or are instructed to provide an explanation, use the space provided in **Part 14. Additional Information**.

## Part 1. Information About You (Person applying for lawful permanent residence)

1. Your Current Legal Name (**Do not** provide a nickname)

Family Name (Last Name)	Given Name (First Name)	Middle Name (if applicable)
<div>Doe Client</div>	<div>Jayne</div>	<div>Melanie</div>

2. Other Names You Have Used Since Birth (if applicable)

Provide all other names you have ever used, including your family name at birth, other legal names, nicknames, aliases, and assumed names.

Family Name (Last Name)	Given Name (First Name)	Middle Name (if applicable)
<div>Doe</div>	<div>Jayne</div>	
<div>Doe</div>	<div>Jane</div>	

3. Date of Birth (mm/dd/yyyy) 

08/04/1984

Have you ever used any other date of birth?

☐ Yes ☒ No

If you answered "Yes," provide all other dates of birth (mm/dd/yyyy).



**Part 1. Information About You** (Person applying for lawful permanent residence) (continued)

4. Do you have an Alien Registration Number (A-Number)? ☒ Yes ☐ No

If you answered "Yes," provide your A-Number.

A-Number (if any) ► A- 

1	2	3	4	5	6	7	8	9
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5. Have you ever used, or been assigned, any other A-Number? ☐ Yes ☒ No

If you answered "Yes," provide the A-Numbers.


*If your client is/was previously in removal proceeding or has prior immigration filings with USCIS other than their U nonimmigrant petition, they may have a different A#. Verify against removal notices from the immigration court or previously issued USCIS notices.*

6. Sex ☐ Male ☒ Female

7. Place of Birth

City or Town of Birth

**Huehuetenango**

Country of Birth

**Guatemala**

8. Country of Citizenship or Nationality

**Guatemala**

9. USCIS Online Account Number (if any)

► 

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If one has been assigned, you can find it on a notice that USCIS may have sent to you.

10. Recent Immigration History

**If you last entered the United States using a passport or travel document, provide the following information.**

*If client did not last enter using a visa or travel document, skip to 11.*

Passport or Travel Document Number Used at Last Arrival 

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Expiration Date of this Passport or Travel Document (mm/dd/yyyy) 

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Country that Issued this Passport or Travel Document 

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Nonimmigrant Visa Number Used During Most Recent Arrival (if any) 

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Date Nonimmigrant Visa Was Issued (mm/dd/yyyy) 

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Place and Date of Last Arrival into the United States

City or Town

--

State

--

Date of Last Arrival (mm/dd/yyyy)

--

11. When I last arrived in the United States:

- ☐ I was inspected at a Port of Entry and admitted as (for example, exchange visitor, visitor, temporary worker, student):

--

- ☐ I was inspected at a Port of Entry and paroled as (for example, humanitarian parole, Cuban parole):

--

- ☒ I came into the United States without admission or parole.

- ☐ Other:

--



**Part 1. Information About You (Person applying for lawful permanent residence) (continued)**

12. If you were issued a Form I-94 Arrival/Departure Record, provide the information from your most recent Form I-94 below:

Family Name (Last Name)

**Doe Client**

Given Name (First Name)

**Jayne**

Form I-94 Arrival/Departure Record Number ►

9	8	7	4	5	6	4	3	2	1	A
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Expiration Date of Authorized Stay Shown on Form I-94 (mm/dd/yyyy)  
or Type or Print "D/S" for Duration of Status**03/13/2026**Immigration Status on Form I-94 (for example, class of admission,  
or paroled, if paroled)**U-1**

13. Was your last arrival the first time you were physically present in the United States? ☐ Yes ☒ No

*If client has previously been in the U.S., be sure to account for prior periods of U.S. presence on last page (Part 14) or as separate addendum.*

14. What is your current immigration status (if it has changed since your last arrival)?

**U-1**

15. Expiration Date of Current Immigration Status (mm/dd/yyyy) or Type or  
Print "D/S" for Duration of Status

**03/13/2026**

16. Have you ever been issued an "alien crewman" visa? ☐ Yes ☒ No

17. Did you last arrive in the United States to join a vessel as a seaman or crewman, or while serving in any  
capacity aboard a vessel or aircraft? ☐ Yes ☒ No

18. Addresses

**Current U.S. Physical Address**

In Care Of Name (if any)

Street Number and Name

**123 Exeter Street**

Apt. Ste. Flr. Number

☒ ☐ ☐**1B**

City or Town

**Ridgewood**

State

**NY**

ZIP Code

**11385**

Date You First Resided at This Address (mm/dd/yyyy)

**03/2024**

Is this your current mailing address?

☐ Yes ☒ No

If you answered "No," provide your current mailing address.

**Current Mailing Address (Safe or Alternate Mailing Address, if applicable)** *Be sure to indicate attorney's law firm address.*

In Care Of Name (if any)

**Allison Attorney, Law Firm LLP**

Street Number and Name

**987 Main Avenue**

Apt. Ste. Flr. Number

☐ ☐ ☒**36**

City or Town

**New York**

State

**NY**

ZIP Code

**10011**

**Part 1. Information About You** (Person applying for lawful permanent residence) (continued)Have you resided at your current address for at least 5 years? ☐ Yes ☒ NoIf you answered "No," provide your prior address(es) for the last 5 years. Use the space provided in **Part 14. Additional Information**, if necessary. *Be sure to provide accounting of address history for last 5 years on last page (Part 14) or as separate addendum.***Prior Address**

In Care Of Name (if any)

Street Number and Name

456 Bayview Road

Apt. Ste. Flr. Number

☐ ☐ ☒

2

City or Town

Ridgewood

State

NY

ZIP Code

11385

Province

Postal Code

Country

USA

Dates of Residence

From (mm/dd/yyyy)

01/2023

To (mm/dd/yyyy)

03/2024

**Most Recent Address Outside the United States**

Provide your most recent physical address outside the United States where you lived for more than one year (if not already listed above).

Street Number and Name

Zona 5

Apt. Ste. Flr. Number

☐ ☐ ☐

City or Town

Huehuetenango

State

ZIP Code

Province

Huehuetenango

Postal Code

Country

Guatemala

Dates of Residence

From (mm/dd/yyyy)

2010

To (mm/dd/yyyy)

2012

**19. Social Security Card**

Has the Social Security Administration (SSA) ever officially issued a Social Security card to you?

☒ Yes ☐ No

If you answered "Yes," provide your U.S. Social Security Number (SSN). ►

1	1	1	2	2	3	3	3	3
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Do you want the SSA to issue you a Social Security card? *Check "Yes" so that client can receive an unrestricted SS card showing change to LPR status.*☒ Yes ☐ NoIf you answered "Yes," you must also answer "Yes" to the **Consent for Disclosure** below.**Consent for Disclosure:** I authorize disclosure of information from this application to the SSA as required for the purpose of assigning me an SSN and issuing me a Social Security Card.☒ Yes ☐ No

**Part 2. Application Type or Filing Category**

1. Are you filing for adjustment of status with the Executive Office for Immigration Review (EOIR) while ☐ Yes ☒ No in removal, exclusion, rescission, or deportation proceedings?

*Insert receipt # from I-918 or I-918A approval notice.*

2. Receipt Number of Underlying Petition (if any) **EAC1512345678** Priority Date from Underlying Petition (if any) (mm/dd/yyyy)

I am filing this Form I-485 as a (select **only one** box):

- ☒ Principal Applicant *All U nonimmigrants (U-1, U-2, U-3, U-4 or U-5) will apply for adjustment as Principal Applicants.*  
☐ Derivative Applicant (Provide the following information about the principal applicant.)

Principal Applicant's Name

Family Name (Last Name)

Given Name (First Name)

Middle Name (if applicable)

Principal Applicant's A-Number (if any)

► A-

Principal Applicant's Date of Birth

(mm/dd/yyyy)

**I am applying** based on the following category (You must select **ONLY ONE** category. If you are filing as a derivative applicant, select the appropriate box based on the category under which the principal applicant is applying or has applied. See the Form I-485 Instructions for more information, including any **Additional Instructions** that relate to the immigrant category you select.):

**3.a. Family-based**

Immediate relative of a U.S. citizen, Form I-130, I-129F, or I-360 (select your specific category below):

- ☐ Spouse of a U.S. Citizen.  
☐ Unmarried child under 21 years of age of a U.S. citizen.  
☐ Parent of a U.S. citizen (if the citizen is at least 21 years of age).  
☐ Person admitted to the United States as a fiancé(e) or child of a fiancé(e) of a U.S. citizen (K-1/K-2 Nonimmigrant).  
☐ Widow or widower of a U.S. citizen.  
☐ Spouse, child, or parent of a deceased U.S. active-duty service member in the armed forces under the National Defense Authorization Act (NDAA).

Other relative of a U.S. citizen under the family-based preference categories, Form I-130 (select your specific category below):

- ☐ Unmarried son or daughter of a U.S. citizen and I am 21 years of age or older.  
☐ Married son or daughter of a U.S. citizen.  
☐ Brother or sister of a U.S. citizen (if the citizen is at least 21 years of age).

Relative of a lawful permanent resident under the family-based preference categories, Form I-130 (select your specific category below):

- ☐ Spouse of a lawful permanent resident.  
☐ Unmarried child under 21 years of age of a lawful permanent resident.  
☐ Unmarried son or daughter of a lawful permanent resident and I am 21 years of age or older.

VAWA self-petitioner (victim of battery or extreme cruelty), Form I-360 (select your specific category below):

- ☐ VAWA self-petitioning spouse of a U.S. citizen or lawful permanent resident.  
☐ VAWA self-petitioning child of a U.S. citizen or lawful permanent resident.  
☐ VAWA self-petitioning parent of a U.S. citizen (if the citizen is at least 21 years of age).



**Part 2. Application Type or Filing Category (continued)****3.b. Employment-based**

☐ Alien Investor, Form I-526 or Form I-526E

Alien Workers, Form I-140 (select your category below and answer the following questions below, as applicable):

☐ Alien of Extraordinary Ability

☐ Outstanding Professor or Researcher

☐ Multinational Executive or Manager

☐ Member of the Professions Holding an Advanced Degree or Alien of Exceptional Ability (who is NOT seeking a National Interest Waiver)

☐ A Professional (at a minimum, requiring a bachelor's degree or a foreign degree equivalent to a U.S. bachelor's degree)

☐ A Skilled Worker (requiring at least 2 years of specialized training or experience)

☐ Any Other Worker (requiring less than 2 years of training or experience)

☐ An Alien Applying For a National Interest Waiver (who IS a member of the professions holding an advanced degree or an alien of exceptional ability)

Did a relative file the associated Form I-140 for you (or for the principal applicant if you are a derivative applicant) or does a relative have a significant ownership interest (5 percent or more) in the business that filed Form I-140 for you (or for the principal applicant, if you are a derivative applicant)?

☐ N/A (I am adjusting on the basis of a Form I-140 self-petition)

☐ No

☐ Yes

If you answered "Yes," is this relative your (select **only one** box):

☐ Father ☐ Mother ☐ Child ☐ Adult Son ☐ Adult Daughter ☐ Brother ☐ Sister

☐ None of These

Is the relative above a:

☐ U.S. Citizen ☐ U.S. National ☐ Lawful Permanent Resident ☐ None of These

**3.c. Special Immigrant**

☐ Special Immigrant Juvenile, Form I-360

☐ Certain Afghan or Iraqi National, Form I-360 or Form DS-157

☐ Certain International Broadcaster, Form I-360

☐ Certain G-4 International Organization or Family Member or NATO-6 Employee or Family Member, Form I-360

☐ Certain U.S. Armed Forces Members (also known as the Six and Six program), Form I-360

☐ Panama Canal Zone Employees, Form I-360

☐ Certain Physicians, Form I-360

☐ Certain Employee or Former Employee of the U.S. Government Abroad, DS-1884

Religious Worker, Form I-360 (select your specific category below):

☐ Minister of Religion

☐ Other Religious Worker



**Part 2. Application Type or Filing Category (continued)****3.d. Asylee or Refugee**

☐ Asylum Status (Immigration and Nationality Act (INA) section 208), Form I-589 or Form I-730

If you selected asylum, date you were granted asylum (mm/dd/yyyy).

☐ Refugee Status (INA section 207), Form I-590 or Form I-730

If you selected refugee, date of initial admission as refugee (mm/dd/yyyy).

**3.e. Human Trafficking Victim or Crime Victim**

☐ Human Trafficking Victim (T Nonimmigrant), Form I-914 or Derivative Family Member, Form I-914A

☒ Victim of Qualifying Criminal Activity (U Nonimmigrant), Form I-918, Derivative Family Member, Form I-918A, or Qualifying Family Member, Form I-929

**3.f. Special Programs Based on Certain Public Laws**

☐ The Cuban Adjustment Act

☐ A Victim of Battery or Extreme Cruelty as a Spouse or Child Under the Cuban Adjustment Act

☐ Applicant Adjusting Based on Dependent Status Under the Haitian Refugee Immigrant Fairness Act

☐ A Victim of Battery or Extreme Cruelty as a Spouse or Child Applying Based on Dependent Status Under the Haitian Refugee Immigrant Fairness Act

☐ Lautenberg Parolees

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

☐ Nationals of Vietnam, Cambodia, and Laos Applying for Adjustment of Status Under section 586 of Public Law 106-429

☐ Applicant Adjusting Under the Amerasian Act (October 22, 1982), Form I-360

**3.g. Additional Options**

☐ Diversity Visa program

If you selected Diversity Visa program, provide your Diversity Visa Rank Number:

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

☐ Individual Born in the United States Under Diplomatic Status

☐ S Nonimmigrants and Qualifying Family Members (can only adjust in this category with an approved Form I-854B filed by a law enforcement officer)

☐ Other Eligibility

4. If you selected a family-based, employment-based, special immigrant, or Diversity Visa immigrant category listed above in **Item Numbers 3.a. - 3.g.** as the basis for your application for adjustment of status, are you applying for adjustment based on INA section 245(i)? ☐ Yes ☒ No

5. Are you 21 years of age or older and applying for adjustment based on classification as a child, under the provisions of the Child Status Protection Act (CSPA)? ☐ Yes ☒ No

**NOTE:** For more information to determine if you are eligible under CSPA, see the **Who May File Form I-485** section of these Instructions.





**Part 3. Request for Exemption for Intending Immigrant's Affidavit of Support Under Section 213A of the INA**

I am requesting an exemption from submitting an Affidavit of Support Under Section 213A of the INA (Form I-864 or Form I-864EZ) because (select **only one**):

- 1.a. ☐ I have earned or can receive credit for 40 qualifying quarters (credits) of work in the United States (as defined by the Social Security Act (SSA)). (Attach your SSA earnings statements. Do not count any quarters during which you received a means-tested public benefit.)
- 1.b. ☐ I am under 18 years of age, unmarried, the child of a U.S. citizen, am not likely to become a public charge, and will automatically become a U.S. citizen under INA section 320, upon my admission as a lawful permanent resident.
- 1.c. ☐ I am applying under the widow or widower of a U.S. citizen (Form I-360) immigrant category.
- 1.d. ☐ I am applying as a VAWA self-petitioner.
- 1.e. ☒ None of these exemptions apply to me and I am not required by statute to submit an Affidavit of Support Under Section 213A of the INA, nor am I required to request an exemption. ***U nonimmigrants are not required to submit an Affidavit of Support.***
- 1.f. ☐ None of these exemptions apply to me and I am not requesting an exemption as I am required to submit an Affidavit of Support Under Section 213A of the INA.

**Part 4. Additional Information About You**

1. Have you ever applied for an immigrant visa to obtain permanent resident status at a U.S. Embassy or U.S. Consulate abroad? ☐ Yes ☒ No

If you answered "Yes," complete **Item Numbers 2. - 4.** below.

2. Location of U.S. Embassy or U.S. Consulate

City or Town

Country

3. Decision (for example, approved, refused, denied, withdrawn)

4. Date of Decision (mm/dd/yyyy)

5. Have you previously applied for permanent residence while in the United States?

☐ Yes ☒ No

6. Have you **EVER** held lawful permanent resident status which was later rescinded under INA section 246?

☐ Yes ☒ No

**Employment and Educational History**

7. Provide **ALL** of your employment and educational history for the last 5 years as indicated in the Instructions. Provide your current employment or school attended first. Include periods of self-employment, unemployment, or retirement. For each period of unemployment or retirement, list source of financial support. If you have additional employment or educational history, use the space provided in **Part 14. Additional Information.** ***Be sure to provide an accounting of your client's employment history for the last 5 years on the last page (Part 14) or on separate addendum.***

Employer or School (current or most recent)

Name of Employer, Company, or School

Your Occupation (if unemployed or retired, so state)



**Part 4. Additional Information About You (continued)**

Address of Employer, Company, or School

Street Number and Name

**865 Woodward Avenue**

Apt. Ste. Flr. Number

☐ ☐ ☐

City or Town

**Ridgewood**

State

**NY**

ZIP Code

**11385**

Province

Postal Code

Country

**USA**

Dates of Employment, Unemployment, Retirement, or School Attendance

From (mm/dd/yyyy) **01/2024**To (mm/dd/yyyy) **Present**

If unemployed or retired, source of financial support:

8. Provide your most recent employer or school outside of the United States (if not already listed above).

Name of Employer, Company, or School

**Instituto Normal Mixto**

Your Occupation (if unemployed or retired, so state)

**Student**

Address of Employer, Company, or School

Street Number and Name

**6a Avenida A 10 59 Zona 1**

Apt. Ste. Flr. Number

☐ ☐ ☐

City or Town

**Huehuetenango**

State

ZIP Code

Province

**Huehuetenango**

Postal Code

Country

**Guatemala**

Dates of Employment, Unemployment, Retirement, or School Attendance

From (mm/dd/yyyy) **1999**To (mm/dd/yyyy) **2001**

If unemployed or retired, source of financial support:

**Part 5. Information About Your Parents****Information About Your Parent 1**

1. Parent 1's Legal Name

Family Name (Last Name)

**Doe Villegas**

Given Name (First Name)

**Juan**

Middle Name (if applicable)

2. Parent 1's Name at Birth (if different than above)

Family Name (Last Name)

Given Name (First Name)

Middle Name (if applicable)

3. Date of Birth (mm/dd/yyyy)

**UNK**

**Part 5. Information About Your Parents (continued)**

4. Country of Birth

**Guatemala****Information About Your Parent 2**

5. Parent 2's Legal Name

Family Name (Last Name)

**Client de Doe**

Given Name (First Name)

**Maria**

Middle Name (if applicable)

6. Parent 2's Name at Birth (if different than above)

Family Name (Last Name)

**Client Clienta**

Given Name (First Name)

**Maria**

Middle Name (if applicable)

7. Date of Birth (mm/dd/yyyy) **05/05/1958**

8. Country of Birth

**Guatemala****Part 6. Information About Your Marital History**

1. What is your current marital status?

☐ Single, Never Married ☒ Married ☐ Divorced ☐ Widowed ☐ Marriage Annulled ☐ Legally Separated2. If you are married, is your spouse a current member of the U.S. armed forces or U.S. Coast Guard? ☐ N/A ☐ Yes ☒ No3. How many times have you been married (including your current marriage, marriages abroad, annulled marriages, and marriages to the same person)? **1****Information About Your Current Marriage (including if you are legally separated)**

4. Current Spouse's Legal Name

Family Name (Last Name)

**Smith**

Given Name (First Name)

**Mister**

Middle Name (if applicable)

5. Current Spouse's A-Number (if any)

► A-

6. Current Spouse's Date of Birth

(mm/dd/yyyy) **09/09/1981**

7. Current Spouse's Country of Birth

**USA**

8. Current Spouse's Current Physical Address

Street Number and Name

**Unknown**

Apt. Ste. Flr. Number

☐☐☐☐

City or Town

**Hoboken**

State

**NJ**

ZIP Code

**UNK**

Province

Postal Code

Country

**USA**

**Part 6. Information About Your Marital History (continued)****9. Place of Marriage to Current Spouse**

City or Town

**Hoboken**

State or Province

**New Jersey**

Country

**USA**Date of Marriage to Current Spouse (mm/dd/yyyy) **04/20/2023****10. Is your current spouse applying with you?**☐ Yes ☒ No**Information About Prior Marriages (if any)****11. Prior Spouse's Legal Name (provide family name before marriage)**

Family Name (Last Name)

Given Name (First Name)

Middle Name (if applicable)

**12. Prior Spouse's Date of Birth (mm/dd/yyyy)****13. Prior Spouse's Country of Birth****14. Prior Spouse's Country of Citizenship or Nationality****15. Date of Marriage to Prior Spouse's (mm/dd/yyyy)****16. Place of Marriage to Prior Spouse**

City or Town

State or Province

Country

**17. Place Where Marriage with Prior Spouse Legally Ended**

City or Town

State or Province

Country

Date of Marriage with Prior Spouse Legally Ended (mm/dd/yyyy)

**18. How Marriage Ended with Prior Spouse (select one):**☐ Annulled ☐ Divorced ☐ Spouse Deceased ☐ Other (Explain):

**Part 7. Information About Your Children**

1. Indicate the total number of ALL living children anywhere in the world (including adult sons and daughters) that you have.

**NOTE:** The term "children" includes all biological or legally adopted children, as well as current stepchildren, of any age, whether born in the United States or other countries, married or unmarried, living with you or elsewhere and includes any missing children and those born to you outside of marriage.

2

Provide the following information for each of your children. If you have more than two children, use the space provided in **Part 14. Additional Information.**

2. Child 1

Current Legal Name

Family Name (Last Name)

Doe Smith

Given Name (First Name)

Janet

Middle Name (if applicable)

A-Number (if any) ► A-

Date of Birth (mm/dd/yyyy)

10/18/2023

Country of Birth

USA

What is your child's relationship to you? (for example, biological child, stepchild, legally adopted child)

Biological child

Is this child also applying now on a separate Form I-485?

☐ Yes ☒ No

3. Child 2

Current Legal Name

Family Name (Last Name)

Smith

Given Name (First Name)

Junior

Middle Name (if applicable)

A-Number (if any) ► A-

Date of Birth (mm/dd/yyyy)

08/07/2002

Country of Birth

USA

What is your child's relationship to you? (for example, biological child, stepchild, legally adopted child)

Stepchild

Is this child also applying now on a separate Form I-485?

☐ Yes ☒ No



**Part 8. Biographic Information**

1. Ethnicity (Select **only one** box)  
☒ Hispanic or Latino ☐ Not Hispanic or Latino
2. Race (Select **all applicable** boxes)  
☐ American Indian or Alaska Native ☐ Asian ☐ Black or African American  
☐ Native Hawaiian or Other Pacific Islander ☒ White
3. Height Feet 

5
---

 Inches 

2
---

 4. Weight Pounds 

1
---

8
---

0
---
5. Eye Color (Select **only one** box)  
☐ Black ☐ Blue ☒ Brown ☐ Gray ☐ Green ☐ Hazel ☐ Maroon ☐ Pink ☐ Unknown/Other
6. Hair Color (Select **only one** box)  
☐ Bald (No hair) ☒ Black ☐ Blond ☐ Brown ☐ Gray ☐ Red ☐ Sandy ☐ White ☐ Unknown/Other

**Make sure answers in Part 9 are consistent with previously filed I-918 & I-192 forms. Discuss any inconsistencies or changes to answers with your mentor.**

**Part 9. General Eligibility and Inadmissibility Grounds**

Choose the answer that you think is correct in **Part 9**. If you answer "Yes" to any questions (**or if you answer "No," but are unsure of your answer**), provide an explanation of the events and circumstances in the space provided in **Part 14. Additional Information**.

1. Have you **EVER** been a member of, involved in, or in any way associated with any organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other location in the world? ☐ Yes ☒ No

If you answered "Yes" to **Item Number 1.**, complete **Item Numbers 2. - 9.** If you were a member of more than two organizations, use the space provided in **Part 14. Additional Information**.

*Organization 1*

2. Name of Organization  

--
3. City or Town 

--

 State or Province 

--
- Country  

--
4. Nature of Organization, including its purposes and activities, whether illicit or legitimate.  

--
- Nature of involvement in organization, including role or positions(s) held, whether illicit or legitimate.  

--
5. Dates of Membership or Dates of Involvement  
From (mm/dd/yyyy) 

--

 To (mm/dd/yyyy) 

--

*Organization 2*

6. Name of Organization  

--



**Part 9. General Eligibility and Inadmissibility Grounds (continued)**

7. City or Town  State or Province   
Country
8. Nature of Organization, including its purposes and activities, whether illicit or legitimate.  
  
Nature of involvement in organization, including role or positions(s) held, whether illicit or legitimate.
9. Dates of Membership or Dates of Involvement  
From (mm/dd/yyyy)  To (mm/dd/yyyy)
10. Have you **EVER** been denied admission to the United States? ☐ Yes ☒ No
11. Have you **EVER** been denied a visa to the United States? ☐ Yes ☒ No
12. Have you **EVER** worked in the United States without authorization? ☒ Yes ☐ No  
*Be sure to provide an explanation for any question answered affirmatively on the last page (Part 14) or on separate addendum.*
13. Have you **EVER** violated the terms or conditions of your nonimmigrant status? ☐ Yes ☒ No
14. Are you presently or have you **EVER** been in removal, exclusion, rescission, or deportation proceedings, including expedited removal proceedings? ☐ Yes ☒ No
15. Have you **EVER** been issued a final order of exclusion, deportation, or removal? ☐ Yes ☒ No
16. Have you **EVER** had a prior final order of exclusion, deportation, or removal reinstated? ☐ Yes ☒ No
17. Have you **EVER** been granted voluntary departure by an immigration officer or an immigration judge but failed to depart within the allotted time? ☐ Yes ☒ No
18. Have you **EVER** applied for any kind of relief or protection from removal, exclusion, or deportation? ☐ Yes ☒ No
19. Have you **EVER** been a J nonimmigrant exchange visitor who was subject to the two-year foreign residence requirement? ☐ Yes ☒ No
20. If you answered "Yes" to **Item Number 19.**, have you complied with the foreign residence requirement? ☐ Yes ☐ No
21. If you answered "Yes" to **Item Number 19.** and "No" to **Item Number 20.**, have you been granted a waiver or has Department of State issued a favorable waiver recommendation letter for you? ☐ Yes ☐ No

**Criminal Acts and Violations**

For **Item Numbers 22. - 41.**, you must answer "Yes" to any question that applies to you, even if your records were sealed or otherwise cleared, or even if anyone, including a judge, law enforcement officer, or attorney, told you that you no longer have a record. You must also answer "Yes" to the following questions whether the action or offense occurred here in the United States or anywhere else in the world. If you answer "Yes" to **Item Numbers 22. - 41.**, use the space provided in **Part 14. Additional Information** to provide an explanation for each offense, if applicable, that includes a description of the criminal offense; where the criminal offense occurred; when the criminal offense occurred; whether you were arrested, cited, charged, or detained for the criminal offense you committed; and the outcome or disposition of that criminal offense (for example, convicted, placement in a diversion program, no charges filed, charges dismissed, jail, prison, detention, probation, or community service). Your explanation must include the duration of any sentence to confinement (even if suspended).

22. Have you **EVER** been arrested, cited, charged, or permitted to participate in a diversion program (including pre-trial diversion, deferred prosecution, deferred adjudication, or any withheld adjudication), or detained for any reason by any law enforcement official in any country including but not limited to any U.S. immigration official or any official of the U.S. armed forces or U.S. Coast Guard or by a similar official of a country other than the United States? ☐ Yes ☒ No  
*If answer is "Yes," be sure to provide an explanation on last page (Part 14) or on separate addendum AND address in client's affidavit. Discuss with your mentor how best to prepare application if answer is Yes.*



**Part 9. General Eligibility and Inadmissibility Grounds (continued)**

23. Have you **EVER** committed a crime of any kind (even if you were not arrested, cited, charged with, or tried for that crime, or convicted)? ☐ Yes ☒ No
24. Have you **EVER** pled guilty to or been convicted of a crime or offense (even if the violation was subsequently expunged or sealed by a court, or if you were granted a pardon, amnesty, a rehabilitation decree, or other act of clemency)? ☐ Yes ☒ No
- NOTE:** If you were the beneficiary of a pardon, amnesty, a rehabilitation decree, or other act of clemency, provide documentation of that post-conviction action.
25. Have you **EVER** been ordered punished by a judge or had conditions imposed on you that restrained your liberty (such as a prison sentence, suspended sentence, house arrest, parole, alternative sentencing, drug or alcohol treatment, rehabilitative programs or classes, probation, or community service)? ☐ Yes ☒ No
26. Have you **EVER** violated (or attempted or conspired to violate) any controlled substance law or regulation of a state, the United States, or a foreign country? ☐ Yes ☒ No
27. Have you **EVER** trafficked in or benefited from, or knowingly aided, abetted, assisted, conspired or colluded in the illegal trafficking of any controlled substances, such as chemicals, illegal drugs, or narcotics? ☐ Yes ☒ No
28. Are you the spouse, son, or daughter of an alien who illicitly trafficked or aided (or otherwise abetted, assisted, conspired, or colluded) in the illicit trafficking of a controlled substance, such as chemicals, illegal drugs, or narcotics and you obtained, within the last 5 years, any financial or other benefit from this activity of your spouse or parent? ☐ Yes ☒ No
29. If your answer to **Item Number 28.** is "Yes," did you know or should you have reasonably known that the financial or other benefit you obtained resulted from this activity of your spouse or parent? ☐ Yes ☐ No
30. Have you **EVER** engaged in prostitution or are you coming to the United States to engage in prostitution? ☐ Yes ☒ No
31. Have you **EVER** directly or indirectly procured or attempted to procure, or imported prostitutes or persons for the purpose of prostitution? ☐ Yes ☒ No
32. Have you **EVER** received any proceeds or money from prostitution? ☐ Yes ☒ No
33. Do you intend to engage in illegal gambling or any other form of commercialized vice, such as prostitution, bootlegging, or the sale of child pornography, while in the United States? ☐ Yes ☒ No
34. Have you **EVER** exercised immunity (diplomatic or otherwise) to avoid being prosecuted for a criminal offense in the United States? ☐ Yes ☒ No
- 35.a. Have you **EVER** served as a foreign government official? ☐ Yes ☒ No
- 35.b. If your answer to **Item Number 35.a.** is "Yes," have you **EVER** been responsible for, enforced, or directly carried out violations of religious freedoms? ☐ Yes ☐ No
36. Have you **EVER** induced by force, fraud, or coercion (or otherwise been involved in) the trafficking of another person for commercial sex acts (sex trafficking)? ☐ Yes ☒ No

**NOTE:** Sex trafficking involves inducing or causing an adult to engage in a commercial sex act (any sex act performed for anything of value) through fraud, force, or coercion, or inducing or causing any person under 18 years of age to engage in a commercial sex act (even without force, fraud, or coercion). Sex trafficking may include recruiting, enticing, harboring, transporting, providing, obtaining, advertising, maintaining, patronizing, or soliciting by any means a person to engage in the commercial sex act knowing (or, in the case of advertising, with reckless disregard of the fact) that the person is under 18 years of age or that force, fraud, or coercion was used to induce or cause the person to engage in the commercial sex act. Sex trafficking may also include knowingly benefiting financially or by receiving anything of value, from participation in a venture involving sex trafficking.

37. Have you **EVER** trafficked a person into involuntary servitude, peonage, debt bondage, or slavery? ☐ Yes ☒ No  
Trafficking includes recruiting, harboring, transporting, providing, or obtaining a person for labor or services through the use of force, fraud, or coercion.





**Part 9. General Eligibility and Inadmissibility Grounds (continued)**

38. Have you **EVER** knowingly aided, abetted, assisted, conspired, or colluded with others in trafficking in persons for commercial sex acts or involuntary servitude, peonage, debt bondage, or slavery? ☐ Yes ☒ No
39. Are you the spouse, son, or daughter of an alien who engaged in the trafficking in persons and have received or obtained, within the last 5 years, any financial or other benefits from this activity of your spouse or your parent? ☐ Yes ☒ No
40. If your answer is "Yes" to **Item Number 39.**, did you know or reasonably should have known that this benefit resulted from this activity of your spouse or parent? ☐ Yes ☐ No
41. Have you **EVER** engaged in money laundering or have you **EVER** knowingly aided, assisted, abetted, conspired, or colluded with others in money laundering or do you seek to enter the United States to engage in such activity? ☐ Yes ☒ No

**Security and Related**

Do you intend to:

- 42.a. Engage in any activity that violates or evades any law relating to espionage (including spying) or sabotage in the United States? ☐ Yes ☒ No
- 42.b. Engage in any activity in the United States that violates or evades any law prohibiting the export from the United States of goods, technology, or sensitive information? ☐ Yes ☒ No
- 42.c. Engage in any activity whose purpose includes opposing, controlling, or overthrowing the U.S. Government by force, violence, or other unlawful means while in the United States? ☐ Yes ☒ No
- 42.d. Engage in any other unlawful activity? ☐ Yes ☒ No

Have you **EVER**:

- 43.a. Received any weapons training, paramilitary training, or other military-type training? ☐ Yes ☒ No  
*Confirm that client has not participated in mandatory or other military/police service in home country.*
- 43.b. Committed kidnapping, assassination, or hijacking or sabotage of a conveyance (including an aircraft, vessel, vehicle, or train)? ☐ Yes ☒ No
- 43.c. Used a weapon or explosive or any dangerous device with the intent to endanger the safety of another person or people or cause damage to property? ☐ Yes ☒ No
- 43.d. Threatened, attempted, conspired, prepared, or planned to do any of the things described in **Item Numbers 43.b. - 43.c.**? ☐ Yes ☒ No
- 43.e. Incited, under circumstances indicating an intention to cause death or serious bodily harm/injury, any of the activities described in **Item Numbers 43.b. - 43.c.**? ☐ Yes ☒ No
- 43.f. Participated in, or been a member of, a group or organization that did any of the activities described in **Item Numbers 43.b. - 43.e.**? ☐ Yes ☒ No
- 43.g. Recruited members or asked for money or things of value for a group or organization that did any of the activities described in **Item Numbers 43.b. - 43.e.**? ☐ Yes ☒ No
- 43.h. Provided money, a thing of value, services or labor, or any other assistance or support for any of the activities described in **Item Numbers 43.b. - 43.e.**? ☐ Yes ☒ No
- 43.i. Provided money, a thing of value, services or labor, or any other assistance or support for an individual, group, or organization who did any of the activities described in **Item Numbers 43.b. - 43.e.**? ☐ Yes ☒ No
44. Do you intend to engage in any of the activities listed in any part of **Item Numbers 43.b. - 43.e.**? ☐ Yes ☒ No
45. Do you intend to engage in any activity that could endanger the welfare, safety, or security of the United States? ☐ Yes ☒ No

**NOTE:** If you answered "Yes" to any part of **Item Numbers 42.a. - 45.**, explain what you did, including the dates and location of the circumstances, or what you intend to do in the space provided in **Part 14. Additional Information.**



**Part 9. General Eligibility and Inadmissibility Grounds (continued)**

46. Are you the spouse or child of an individual who **EVER** engaged in any of the activities listed in **Item Numbers 43.b. - 43.i.**? ☐ Yes ☒ No

**NOTE:** If you answered "Yes" to any part of **Item Number 46.**, explain what your parent or spouse did, including the dates and location of the circumstances in **Part 14. Additional Information.**

47. Have you **EVER** sold, provided, or transported weapons, or assisted any person in selling, providing, or transporting weapons, which you knew or believed would be used against another person? ☐ Yes ☒ No
48. Have you **EVER** worked, volunteered, or otherwise served in any prison, jail, prison camp, detention facility, labor camp, or any other place where people were detained, or have you **EVER** directed or participated in any other activity that involved detaining people? ☐ Yes ☒ No
49. Have you **EVER** been a member of, assisted, or participated in any group, unit, or organization of any kind in which you or other persons used any type of weapon against any person or threatened to do so? ☐ Yes ☒ No
50. Have you **EVER** served in, been a member of, assisted (helped), or participated in any military or police unit? ☐ Yes ☒ No
51. Have you **EVER** served in, been a member of, assisted (helped), or participated in any armed group (a group that carries weapons), for example: paramilitary unit (a group of people who act like a military group, but are not part of the official military), self-defense unit, vigilante unit, rebel group, or guerrilla group? ☐ Yes ☒ No

If you answered "Yes" to **Item Number 50.** or **51.**, include the name of the country, the name of the military unit or armed group, your rank or position, and your dates of involvement in your explanation in **Part 14. Additional Information.**

52. Have you **EVER** been a member of, or in any way affiliated with, the Communist Party or any totalitarian party (in the United States or abroad)? ☐ Yes ☒ No

Have you **EVER** ordered, incited, called for, committed, assisted, helped with, or otherwise participated in any of the following:

- 53.a. Torture? ☐ Yes ☒ No
- 53.b. Genocide? ☐ Yes ☒ No
- 53.c. Killing, or trying to kill, any person? ☐ Yes ☒ No
- 53.d. Intentionally and severely injuring or trying to injure any person? ☐ Yes ☒ No
54. Have you **EVER** recruited, enlisted, conscripted, or used any person under 15 years of age to take part in hostilities or to serve in or help an armed force or group, or attempted or worked with others to do so? ☐ Yes ☒ No
55. Have you **EVER** used any person under 15 years of age to take part in hostilities, for instance, participating in combat or providing services related to combat (such as sabotage or serving as a courier) or providing support services (such as transporting supplies), or attempted or worked with others to do so? ☐ Yes ☒ No

**NOTE:** If you answered "Yes" to any part of **Item Numbers 47. - 55.**, explain what occurred, including the dates and location of the circumstances, in the space provided in **Part 14. Additional Information.**



**Part 9. General Eligibility and Inadmissibility Grounds (continued)****Public Charge**

Each alien who is subject to the public charge ground of inadmissibility in INA section 212(a)(4) must complete **Item Numbers 57. - 66.** An alien is subject to the public charge ground of inadmissibility if the alien does not fall under one of the categories exempt from the public charge ground of inadmissibility listed below. **If you fall under one of the exempt categories listed below, please select the exempt category, and skip Item Numbers 57. - 66.** If you do not fall under one of the exempt categories listed below, select "I do not fall under any of the exempt categories listed above and will complete **Item Numbers 57. - 66.**"

**NOTE:** For more information, see **Part 9. General Eligibility and Inadmissibility Grounds, Public Charge** section of these Instructions.

**56.** I am exempt from the public charge ground of inadmissibility because I am a/an (select **only one** box):

- ☐ VAWA Self-Petitioner (Form I-360)
- ☐ Special Immigrant Juvenile (Form I-360)
- ☐ Certain Afghan or Iraqi National (Form I-360 or Form DS-157)
- ☐ Asylee (Form I-589 or Form I-730)
- ☐ Refugee (Form I-590 or Form I-730)
- ☒ Victim of Qualifying Criminal Activity (U Nonimmigrant) under INA section 245(m) (Form I-918, Form I-918A, or Form I-929) **Check this box for U nonimmigrants & skip to 67.**
- ☐ Any category other than INA section 245(m), but you are in valid U nonimmigrant status at the time you file your application for adjustment of status. (This exemption only applies if, at the time of the adjudication of Form I-485, you are still in valid U nonimmigrant status. If, at the time of adjudication of Form I-485, you are no longer in valid U nonimmigrant status, you will be subject to the public charge ground of inadmissibility.)
- ☐ Human Trafficking Victim (T nonimmigrant) under INA section 245(l) (Form I-914 or Form I-914A)
- ☐ Any category other than INA section 245(l), but you either have a pending application for T nonimmigrant status (Form I-914) that sets forth a prima facie case for eligibility or are in valid T nonimmigrant status at the time you file your application for adjustment of status. (This exemption only applies if your Form I-914 is still pending and deemed to be prima facie eligible or you are in valid T nonimmigrant status when we adjudicate your adjustment of status application.)
- ☐ Cuban Adjustment Act
- ☐ Cuban Adjustment Act for Battered Spouses and Children
- ☐ Dependent Status under the Haitian Refugee Immigrant Fairness Act
- ☐ Dependent Status under the Haitian Refugee Immigrant Fairness Act for Battered Spouses and Children
- ☐ Cuban and Haitian Entrants Applying for Adjustment of Status under section 202 of the Immigration Reform and Control Act of 1986
- ☐ A Lautenberg Parolee
- ☐ National of Vietnam, Cambodia, or Laos Applying under the Foreign Operations, Export Financing, and Related Programs
- ☐ Continuous Residence in the United States Since Before January 1, 1972 ("Registry")
- ☐ Amerasian Homecoming Act
- ☐ Polish or Hungarian Parolee
- ☐ Nicaraguans and Other Central Americans under section 203 of the Nicaraguan Adjustment and Central American Relief Act (NACARA)
- ☐ American Indian Born in Canada (INA section 289) or the Texas Band of Kickapoo Indians of the Kickapoo Tribe of Oklahoma, Public Law 97-429 (Jan. 8, 1983)
- ☐ Section 7611 of the National Defense Authorization Act for Fiscal Year 2020 (Liberian Refugee Immigration Fairness)



**Part 9. General Eligibility and Inadmissibility Grounds (continued)**

- ☐ Syrian National Adjusting Status under Public Law 106-378
- ☐ Spouse, Child, or Parent of a U.S. Active-Duty Service Member in the Armed Forces under the National Defense Authorization Act (NDAA) (Form I-130 or Form I-360)
- ☐ I do not fall under any of the exempt categories listed above and will complete **Item Numbers 57. - 66.**

If you selected "I do not fall under any of the exempt categories listed above and will complete **Item Numbers 57. - 66.**" in **Item Number 56.**, complete **Item Numbers 57. - 66.** below. If you selected an exempt category in **Item Number 56.**, go to **Item Number 67.** If you need extra space to complete this section, use the space provided in **Part 14. Additional Information.**

**57.** What is the size of your household?

**58.** Indicate your annual household income.

- ☐ \$0-27,000   ☐ \$27,001-52,000   ☐ \$52,001-85,000   ☐ \$85,001-141,000   ☐ Over \$141,000

**59.** Identify the total value of your household assets.

- ☐ \$0-18,400   ☐ \$18,401-136,000   ☐ \$136,001-321,400   ☐ \$321,401-707,100   ☐ Over \$707,100

**60.** Identify the total value of your household liabilities (including both secured and unsecured liabilities).

- ☐ \$0   ☐ \$1-10,100   ☐ \$10,101-57,700   ☐ \$57,701-186,800   ☐ Over \$186,800

**61.** What is the highest degree or grade of school you have completed?

- ☐ Less than a high school diploma. If you select this option, indicate the highest grade of school you have completed.

- ☐ High school diploma, GED, or alternative credential   ☐ 1 or more years of college credit, no degree
- ☐ Associate's degree   ☐ Bachelor's degree   ☐ Master's degree   ☐ Professional degree (JD, MD, DMD, etc.)
- ☐ Doctorate degree

**62.** List your certifications, licenses, skills obtained through work experience, and educational certificates.

List of Certifications

**63.** Have you ever received Supplemental Security Income (SSI), Temporary Assistance for Needy Families (TANF), or state, Tribal, territorial, or local cash benefit programs for income maintenance (often called "General Assistance" in the state context, but which also exist under other names)? ☐ Yes   ☐ No

**64.** Have you ever received long-term institutionalization at government expense? ☐ Yes   ☐ No



**Part 9. General Eligibility and Inadmissibility Grounds (continued)**

65. If your answer to **Item Number 63.** is "Yes," list the specific benefit(s) you received, the start and end dates of each period of receipt, the dollar amount of benefits received, and whether you received the benefits while you were in an immigration category exempt from the public charge ground of inadmissibility.

Benefit Received	Start Date	End Date	Dollar Amount	In a Category Exempt from Public Charge
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No

66. If your answer to **Item Number 64.** is "Yes," list the name, city, and state for each institution, the start and end dates of each period of institutionalization, the reason you were institutionalized, and whether you were institutionalized while you were in an immigration category exempt from the public charge ground of inadmissibility.

Institution Name/City/State	Date From	Date To	Reason	In a Category Exempt from Public Charge
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No

**Illegal Entries and Other Immigration Violations**

67. Have you **EVER** failed or refused to attend or to remain in attendance at any removal proceeding filed against you on or after April 1, 1997? ☐ Yes ☒ No

**NOTE:** If your answer to **Item Number 67.** is "Yes," attach a written statement explaining why you failed or refused to attend or remain in attendance at the removal proceeding, including any explanation of a reasonable cause for that failure or refusal.

68. Have you **EVER** submitted altered, fraudulent, or counterfeit documentation to any U.S. Government official to obtain or attempt to obtain any immigration benefit, including a visa or entry into the United States? ☐ Yes ☒ No
69. Have you **EVER** lied about, concealed, or misrepresented any information on an application or petition to obtain a visa, other documentation required for entry into the United States, admission to the United States, or any other kind of immigration benefit? ☐ Yes ☒ No
70. Have you **EVER** falsely claimed to be a U.S. citizen (in writing or any other way)? ☐ Yes ☒ No
71. Have you **EVER** been a stowaway on a vessel or aircraft arriving in the United States? ☐ Yes ☒ No
72. Have you **EVER** knowingly encouraged, induced, assisted, abetted, or aided any alien to enter or to try to enter the United States illegally (alien smuggling)? ☐ Yes ☒ No
73. Are you under a final order of civil penalty for violating INA section 274C for use of fraudulent documents? ☐ Yes ☒ No

**Removal, Unlawful Presence, or Illegal Reentry After Previous Immigration Violations**

74. Have you **EVER** been excluded, deported, or removed from the United States or have you ever departed the United States on your own after having been ordered excluded, deported, or removed from the United States? ☐ Yes ☒ No
75. Have you **EVER** entered the United States without being inspected and admitted or paroled? ☒ Yes ☐ No



**Part 9. General Eligibility and Inadmissibility Grounds (continued)**

76. Since April 1, 1997, have you been unlawfully present in the United States? You were unlawfully present in the United States if you were present in the United States after the expiration of the period of stay authorized by the Department of Homeland Security (DHS) Secretary or were present in the United States without being admitted or paroled. ☒ Yes ☐ No

**NOTE:** If you answered "Yes" to **Item Number 76.**, give the dates of unlawful presence in the space provided in **Part 14. Additional Information.**

77. If you answered "Yes" to **Item Number 76.**, was a severe form of trafficking in persons at least one central reason for your unlawful presence in the United States? ☐ Yes ☒ No

**NOTE:** Severe trafficking in persons involves sex trafficking (the recruitment, harboring, transportation, provision, or obtaining of a person to commit a commercial sex act) induced by force, fraud, coercion, or in which the person is induced to perform such act has not reached 18 years of age, or the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

Since April 1, 1997, have you **EVER** reentered or attempted to reenter the United States without being inspected and admitted or paroled after:

- 78.a. Having been unlawfully present in the United States for more than one year in the aggregate on or after April 1, 1997? You were unlawfully present in the United States for more than one year in the aggregate if you count all of the days during all of your stays that you were present in the United States after the expiration of the period of stay authorized by the DHS Secretary or were present in the United States without being admitted or paroled. ☒ Yes ☐ No

- 78.b. Having been deported, excluded, or removed from the United States? ☐ Yes ☒ No

**Miscellaneous Conduct**

79. Do you plan to practice polygamy in the United States? ☐ Yes ☒ No
80. Are you accompanying an alien who is inadmissible and who has been certified by a medical officer as helpless from sickness, mental or physical disability, or infancy, and who requires your protection or guardianship, as described in INA section 232(c)? ☐ Yes ☒ No
81. Have you **EVER** assisted in detaining, retaining, or withholding custody of a U.S. citizen child outside the United States from a person who has been granted custody of the child? ☐ Yes ☒ No
82. Have you **EVER** voted in violation of any Federal, state, or local constitutional provision, statute, ordinance, or regulation in the United States? ☐ Yes ☒ No
83. Have you **EVER** renounced U.S. citizenship to avoid being taxed by the United States? ☐ Yes ☒ No

Have you **EVER**:

- 84.a. Applied for exemption or discharge from training or service in the U.S. armed forces or in the U.S. National Security Training Corps on the ground that you are an alien? ☐ Yes ☒ No
- 84.b. Been relieved or discharged from such training or service on the ground that you are an alien? ☐ Yes ☒ No
- 84.c. Been convicted of desertion from the U.S. armed forces? ☐ Yes ☒ No
85. Have you **EVER** left or remained outside the United States to avoid or evade training or service in the U.S. armed forces in time of war or a period declared by the President to be a national emergency? ☐ Yes ☒ No
86. If you answered "Yes" to **Item Number 85.**, what was your nationality or immigration status immediately before you left (for example, U.S. citizen or national, lawful permanent resident, nonimmigrant, parolee, present without admission or parole, or any other status)?



**Part 10. Applicant's Contact Information, Certification, and Signature*****Applicant's Contact Information***

Provide your daytime telephone number, mobile telephone number (if any), and email address (if any).

- |  |   |
|--|---|
| 1. Applicant's Daytime Telephone Number <i>Leave blank or insert attorney's phone #.</i> | 2. Applicant's Mobile Telephone Number (if any) |
| <div>2125551213</div>  | <div>Leave blank.</div>                         |
| 3. Applicant's Email Address (if any)  |   |
| <div>Leave blank.</div>  |   |

***Applicant's Certification and Signature***

I certify, under penalty of perjury, that I provided or authorized all of the responses and information contained in and submitted with my application, I read and understand or, if interpreted to me in a language in which I am fluent by the interpreter listed in **Part 11.**, understood, all of the responses and information contained in, and submitted with, my application, and that all of the responses and the information are complete, true, and correct. Furthermore, I authorize the release of any information from any and all of my records that USCIS may need to determine my eligibility for an immigration request and to other entities and persons where necessary for the administration and enforcement of U.S. immigration law.

- |  |                                |
|--|--------------------------------|
| 4. Applicant's Signature   | Date of Signature (mm/dd/yyyy) |
|  <div></div> | <div></div>                    |

**Part 11. Interpreter's Contact Information, Certification, and Signature*****Interpreter's Full Name***

- |  |                                       |
|--|---------------------------------------|
| 1. Interpreter's Family Name (Last Name)       | Interpreter's Given Name (First Name) |
| <div>Traductor</div>                           | <div>Teresa</div>                     |
| 2. Interpreter's Business or Organization Name |                                       |
| <div>Law Firm LLP</div>                        |                                       |

***Interpreter's Contact Information***

- |   |   |
|---|---|
| 3. Interpreter's Daytime Telephone Number | 4. Interpreter's Mobile Telephone Number (if any) |
| <div>2125551212</div>                     | <div></div>                                       |
| 5. Interpreter's Email Address (if any)   |   |
| <div>ttraductor@lawfirmllp.com</div>      |   |

***Interpreter's Certification and Signature***

I certify, under penalty of perjury, that I am fluent in English and 

Spanish

, and I have interpreted every question on the application and Instructions and interpreted the applicant's answers to the questions in that language, and the applicant informed me that he or she understood every instruction, question, and answer on the application.

- |                            |                                |
|----------------------------|--------------------------------|
| 6. Interpreter's Signature | Date of Signature (mm/dd/yyyy) |
| <div></div>                | <div></div>                    |



**Part 12. Contact Information, Certification, and Signature of the Person Preparing this Application, if Other Than the Applicant****Preparer's Full Name**

1. Preparer's Family Name (Last Name)  Preparer's Given Name (First Name)
2. Preparer's Business or Organization Name

**Preparer's Contact Information**

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

**Preparer's Certification and Signature**

I certify, under penalty of perjury, that I prepared this application for the applicant at his or her request and with express consent and that all of the responses and information contained in and submitted with the application are complete, true, and correct and reflects only information provided by the applicant. The applicant reviewed the responses and information and informed me that he or she understands the responses and information in or submitted with the application.

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

**NOTE: Do not complete Part 13. until the USCIS Officer instructs you to do so at the interview.**

**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 Form I-485, Application to Register Permanent Residence or Adjust Status, subscribed by me, including the  changes made to this application, **numbered**  **through** , are complete, true, and correct. All information on additional pages submitted by me with this Form I-485, **on numbered pages**  **through**  are complete, true, and correct. All documents submitted at this interview were provided by me and are complete, true, and correct.

Subscribed to and sworn to (affirmed) before me

USCIS Officer's Printed Name or Stamp  Date of Signature (mm/dd/yyyy)

Applicant's Signature (sign in ink)  USCIS Officer's Signature (sign in ink)





Part 14. Additional Information

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

1.	Family Name (Last Name)	Given Name (First Name)	Middle Name (if applicable)
	Doe Client	Jayne	Melanie

2.	Page Number	Part Number	Item Number
	3	1	13

The first time I was physically present in the U.S. was in 2005. I lived in the U.S. from 2005 to 2010. I left to visit a sick relative in my home country in 2010 and returned to the U.S. in 2012. I have been continuously and physically present in the U.S. since 2012. I disclosed my prior entries and exits to and from the U.S. in my I-918 petition and sought a waiver on Form I-192 which was granted on 03/08/2022.

3.	Page Number	Part Number	Item Number
	4	1	18

Address History for Last 5 Years (cont.):  
Address: 111 22nd Avenue, Apt. 3, Bushwick, NY 11237 USA  
Dates of Residence: From 06/2019 To 01/2023

4.	Page Number	Part Number	Item Number
	8	4	7

Employment History for Last 5 Years (cont.):  
Name of Employer: None; Address: N/A; Occupation: New mother  
Dates of Employment: From 10/2023 To 01/2024; If unemployed, source of support: Savings  
Name of Employer: Self; Address: 123 Exeter St., Apt. 1B, Ridgewood, NY 11385 USA  
Occupation: Housecleaner; Dates of Employment: From 2012 To 10/2023

5.	Page Number	Part Number	Item Number
	14	9	12

I answered this question as "Yes" because I have previously worked in the U.S. without authorization in order to be self-sufficient and to contribute to society.

**Part 14. Additional Information**

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

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

2. Page Number  Part Number  Item Number

I answered this question as "Yes" because I have previously entered the U.S. without inspection, once in 2005 and again in 2010. I disclosed my entries and exits to and from the U.S. in my I-918 petition and sought a waiver of the applicable grounds of inadmissibility on Form I-192. My I-192 application was approved on 03/08/2022.

3. Page Number  Part Number  Item Number

I answered this question as "Yes" because I accrued unlawful presence from 2005 to 2010 & triggered inadmissibility when I departed the U.S. in 2010. I was also unlawfully present from 2012 to when I was granted deferred action but did not trigger any inadmissibility since I haven't left the U.S. since 2012. I disclosed this information in my I-918 petition & was granted an I-192 waiver on 03/08/2022.

4. Page Number  Part Number  Item Number

I answered this question as "Yes" because I entered the U.S. without inspection in 2005, left in 2010, and re-entered the U.S. without inspection in 2012. I disclosed this information to USCIS in my I-918 petition & was granted an I-192 waiver of the applicable grounds of inadmissibility on 03/08/2022.

5. Page Number  Part Number  Item Number



Su Nombre:			
<p>Por favor conteste estas preguntas – marque con X “Sí” o “No” para cada pregunta. El contestar “Sí” no significa necesariamente que no califica para la residencia permanente. Conteste todas las que pueda contestar y si hay algo que no entiende, déjelo en blanco para hablar con su representante en su próxima cita.</p>			
#	Pregunta	Sí	No
14	¿ALGUNA VEZ ha negado la entrada a los EEUU?		
15	¿ALGUNA VEZ ha negado una visa a los EEUU?		
16	¿ALGUNA VEZ ha trabajado en EEUU sin autorización?		
17	¿ALGUNA VEZ ha violado los términos o condiciones de su estatus no-inmigrante?		
18	¿Se ha encontrado o ALGUNA VEZ se encuentra en procedimientos de remoción, exclusión, rescisión, o deportación?		
19	¿ALGUNA VEZ ha recibido una orden final de exclusión, deportación o remoción?		
20	¿ALGUNA VEZ ha reestablecido una orden final previa de exclusión, deportación o remoción?		
21	¿ALGUNA VEZ ha quitado la residencia permanente?		
22	¿ALGUNA VEZ ha ignorado una orden de salida voluntaria que le haya dado un oficial o juez de inmigración?		
23	¿ALGUNA VEZ ha solicitado algún tipo de alivio o protección de remoción, exclusión o deportación?		
24a	¿ALGUNA VEZ ha tenido una visa J no-inmigrante que tiene como requisito residencia en el extranjero por 2 años?		
<p>Si respondió que “sí” al pregunta #24.a., completas preguntas #24.b. – 24.c. Si respondió “no” al pregunta #24.a., pase a la pregunta #25.</p>			
24b	¿Ha cumplido con el requisito de residencia en el extranjero por 2 años?		
24c	¿Ha recibido un perdón o el Departamento de Estado le ha dado una carta de recomendación de perdón favorable?		
<p>Para las preguntas #25-45, debe contestar “Sí” a cualquier pregunta que se aplique a usted, aun si sus records fueron sellados o borrados o si alguien, incluyendo un juez, oficial o abogado, le dijeron que ya no tiene record. Debe contestar “Sí” para ofensas o actos que ocurrieron dentro de los EEUU o en cualquier parte del mundo. Si respondes que “Si” al preguntas #25—45, usa el espacio provisto en Part 14, Additional Information (Parte 14, Información Adicional) para proporcionar una explicacion que incluya por que fue arrestado, citado, detenido o acusado; cuando (fecha) ocurrió el evento; y el resultado de la disposición (por ejemplo, sin cargos presentados, cargos desestimados, cárcel, libertad condicional, servicio comunitario).</p>			
25	¿ALGUNA VEZ Ha sido arrestado, citado, acusado o detenido por cualquier razón por cualquier agencia de la ley (incluyendo pero no limitada a cualquier oficial de inmigración o fuerzas armadas o fuerzas costales)?		
26	¿ALGUNA VEZ ha cometido algún crimen de cualquier tipo (aun si no fue arrestado, citado, acusado o enjuiciado por ese crimen)?		

27	¿ALGUNA VEZ se ha declarado culpable o ha sido encontrado culpable por un crimen u ofensa (aun si la violación fue borrada o sellada por la corte o si le otorgaron un perdón, amnistía, decreto de rehabilitación u otro acto de clemencia)? NOTA: Si fue beneficiario de un perdón, una amnistía, un decreto de rehabilitación o cualquier otro acto de clemencia, proporcione documentación de es acción posterior a la condena.		
28	¿ALGUNA VEZ ha sido castigado por un juez o le han puesto condiciones que limiten su libertad (como sentencia de prisión, sentencia suspendida, arresto domiciliario, libertad condicional “parole”, sentencia alternativa, tratamiento de rehabilitación de drogas o alcohol, programas o clases de rehabilitación, probatoria o servicio comunitario)?		
29	¿ALGUNA VEZ ha sido el acusado o demandado en un procedimiento criminal (incluyendo pre-juicio, prosecución diferida, sentencia diferida, o cualquier sentencia retenida)?		
30	¿ALGUNA VEZ ha violado (o intentado o conspirado violar) cualquier ley o regulación estatal de sustancias controladas, en los EEUU o en otro país?		

#	Pregunta	Sí	No
31	¿ALGUNA VEZ ha sido encontrado culpable por dos o más ofensas (no incluyendo ofensas únicamente políticas) por las cuales las sentencias se agregan a un total de 5 o más años?		
32	¿ALGUNA VEZ ha traficado ilegalmente o se ha beneficiado del tráfico de cualquier sustancia controlada, como químicos, drogas ilegales o narcóticas?		
33	¿ALGUNA VEZ ha ayudado, asistido, instigado, conspirado o coludido con el tráfico ilegal de cualquier narcótico ilegal o sustancia controlada?		
34	¿Está usted casada/o con o es hija/o de una persona extranjera quien ha traficado o ayudado en el tráfico ilegal de sustancias controladas, como químicos, drogas ilegales o narcóticos? Y ¿ha obtenido en los últimos cinco años algún beneficio económico o de otro tipo como resultado de la actividad de su esposa/o o padre/madre aunque usted sabia o debió haber sabido que el beneficio era resultado de la actividad ilegal de su esposa/o o padre/madre?		
35	¿ALGUNA VEZ ha participado en la prostitución o viene a los EEUU para participar en la prostitución?		
36	¿ALGUNA VEZ ha solicitado (o intentado solicitar) o importado personas con el propósito de prostituirles?		
37	¿ALGUNA VEZ ha recibido ganancias o dinero de la prostitución?		

38	¿Tiene la intención de participar, mientras esté en los EEUU, en las apuestas ilegales o en alguna otra forma de vicio comercializado como la prostitución, contrabando, venta de pornografía infantil?		
39	¿ALGUNA VEZ ha ejercitado la inmunidad diplomática (u otra) para evitar ser enjuiciado por una ofensa criminal en los EEUU?		
40	¿ALGUNA VEZ ha sido responsable o directamente cometido violaciones de libertades religiosas (siendo oficial de un gobierno extranjero)?		
41	¿ALGUNA VEZ ha provocado por fuerza, fraude o compulsión el tráfico de personas para actos sexuales comercializados?		
42	¿ALGUNA VEZ ha traficado a una persona para servidumbre involuntaria, esclavitud, o servidumbre para saldar una deuda? El traficar incluye hospedar, transportar, proveer u obtener una persona para labor o servicios por el uso de fuerza, fraude o compulsión?		
43	¿ALGUNA VEZ ha ayudado, asistido, conspirado o coludido con otros para traficar a personas para actos sexuales comercializados o servidumbre involuntaria, esclavitud, o servidumbre para saldar una deuda?		

44	¿Está usted casada/o con o es hija/o de una persona extranjera quien ha participado en el tráfico de personas y usted ha obtenido en los últimos cinco años algún beneficio económico o de otro tipo como resultado de la actividad de su esposa/o o padre/madre aunque usted sabia o debió haber sabido que el beneficio era resultado de la actividad ilegal de su esposa/o o padre/madre?		
45	¿ALGUNA VEZ ha participado en el lavado de dinero o ALGUNA VEZ ha ayudado, asistido, conspirado o coludido con otros en el lavado de dinero o tiene la intención de entrar a los EEUU para participar en tal actividad?		
¿Tiene la intención de:			
46a	... participar en cualquier actividad que viole o evada cualquier ley relacionada al espionaje (incluyendo el espiar) o sabotaje en los EEUU?		
46b	... participar en cualquier actividad en los EEUU que viole o evada cualquier ley que prohíbe el exporte de bienes, tecnología, o información sensible de los EEUU?		
46c	... participar en cualquier actividad que tenga como propósito oponerse, controlar o derrocar el gobierno estadounidense por fuerza, violencia, u otro método ilegal mientras se encuentre dentro de los EEUU?		
46d	... participar en cualquier actividad que ponga en peligro el bienestar o la seguridad de los EEUU?		
46e	... participar en cualquier otra actividad ilegal?		
47	¿Esta involucrado o tiene la intención de involucrarse en cualquier actividad que pueda tener consecuencias potencialmente seriamente adversas de política exterior para los EEUU?		

#	Pregunta	Sí	No
ALGUNA VEZ ha:			
48a	...cometido, amenazado con cometer, intentado cometer o planeado, permitido, preparado, o pedido que otro cometa lo siguiente: <u>secuestro de transporte, sabotaje, secuestro de personas, asesinato político, o uso de una arma o explosivo para dañar a otro individuo o causar daño a la propiedad?</u>		
48b	...participado en o sido miembro de un grupo u organización que se dedique a cualquiera de las actividades nombradas en #48a?		
48c	...recluido miembros o solicitado fondos o cosas de valor para un grupo u organización que se dedique a cualquiera de las actividades nombradas en #48a?		
48d	...proporcionado dinero, un artículo de valor, servicios o labor, o cualquier otro tipo de asistencia o apoyo para cualquiera de las actividades nombradas en #48a?		
48e	...proporcionado dinero, un artículo de valor, servicios o labor, o cualquier otra asistencia o apoyo a un individuo, grupo, u organización que se dedique a las actividades nombradas en #48a?		
49	¿ALGUNA VEZ ha recibido cualquier tipo de entrenamiento militar, paramilitar o de uso de armas?		
50	¿Tiene la intención de participar en cualquiera de las actividades mencionadas en cualquier parte de #48.a.--#49?		
NOTA: Si respondió "Sí" al alguna parte de preguntas #46.a.—50, explicar que hizo, incluyendo las fechas y lugares de las circunstancias, o lo que piensa hacer en el espacio provisto al Part 14, Additional Information (Información Adicional).			

#	Pregunta	Sí	No
¿Está usted casada/o con o es hija/o de una persona ALGUNA VEZ que:			
51a	...ha cometido, amenazado con cometer, intentado cometer o planeado, permitido, preparado, o pedido que otro cometa lo siguiente: <u>secuestro de transporte, sabotaje, secuestro de personas, asesinato político, o uso de una arma o explosivo para dañar a otro individuo o causar daño a la propiedad?</u>		
51b	... ha participado en o sido miembro o representante de un grupo u organización que hizo cualquiera de las actividades nombradas en #51a?		
51c	... ha recluido miembros o solicitado fondos o cosas de valor para un grupo u organización que se dedique a cualquiera de las actividades nombradas en #51a?		
51d	... ha proporcionado dinero, un artículo de valor, servicios o labor, o cualquier otro tipo de asistencia o apoyo para cualquiera de las actividades nombradas en #51a?		

51e	... ha proporcionado dinero, un artículo de valor, servicios o labor, o cualquier otra asistencia o apoyo a un individuo, grupo, u organización que se dedique a las actividades nombradas en #51a?		
51f	... ha recibido cualquier tipo de entrenamiento militar, paramilitar o de uso de armas por un grupo o una organización que cometió cualquiera de las actividades nombradas en #51a?		
NOTA: Si respondió "Si" al alguna parte de pregunta #51, explicar la relación y lo que ocurrió, incluyendo las fechas y lugares de las circunstancias, en el espacio provisto al Part 14, Additional Informacion (Informacion Adicional).			
52	¿ALGUNA VEZ Ha asistido o participado en la venta, el proveer o transportar armas a alguna persona que, con su conocimiento, las fuera a utilizar en contra de otra persona?		
53	¿ALGUNA VEZ ha trabajado, sido voluntario, o servido en alguna prisión, cárcel, campo de prisión, centro de detención, campo laboral u otra situación que involucre la detención de personas?		
54	¿ALGUNA VEZ ha sido miembro o asistido o participado en cualquier grupo, unidad u organización de cualquier tipo en la cual usted u otras personas utilizaron cualquier tipo de arma contra cualquier persona o amenazaron con utilizarla?		
55	¿ALGUNA VEZ ha servido, sido miembro de, asistido o participado en cualquier unidad militar, unidad paramilitar, unidad policiaca, unidad de auto defensa, unidad vigilante, grupo rebelde, grupo guerrillero, milicia, organización insurgente, o cualquier otro grupo armado?		
56	¿ALGUNA VEZ ha sido miembro de o en cualquier forma tenido afiliación con el partido comunista o cualquier otro partido totalitario (en los EEUU o en el extranjero)?		
57	¿Ha tenido asociación con cualquier organización o gobierno asociado con o aliado al gobierno Nazi de Alemania?		
¿ALGUNA VEZ ha ordenado, solicitado, pedido, cometido, asistido, ayudado o participado en cualquiera de las siguientes actividades?:			
58a	¿Actos que involucren la tortura o el genocidio?		
58b	¿La matanza de cualquier persona?		
58c	¿Intencional y severamente lastimar a cualquier persona?		

58d	¿Participar en cualquier tipo de contacto sexual o relaciones con cualquier persona quien no dio su consentimiento o no era capaz de dar su consentimiento o estaba sido forzada o amenazada?		
58e	¿Limitar o negar a cualquier persona su habilidad de practicar sus creencias religiosas?		
59	¿ALGUNA VEZ ha reclutado, enlistado o utilizado a cualquier persona menor de 15 años para servir o asistir en una fuerza armada o grupo?		

60	¿ALGUNA VEZ ha utilizado a cualquier persona menor de 15 años para tomar parte en hostilidades, o ayudar o proveer servicios a personas en combate?		
NOTA: Si respondió “Si” al alguna parte de preguntas #52—60, explicar que ocurrió, incluyendo las fechas y lugares de las circunstancias, en el espacio provisto al Part 14, Additional Informacion (Informacion Adicional).			
Asistencia Publica			
61	¿Ha recibido asistencia pública en los Estados Unidos de cualquier tipo incluyendo el Gobierno de Estados Unidos o cualquier estado, condado, ciudad o municipalidad (aparte de tratamiento médico de emergencia)?		
62	¿Es probable que reciba asistencia pública en el futuro en los Estados Unidos de cualquier tipo incluyendo el Gobierno de Estados Unidos o cualquier estado, ciudad o municipalidad (aparte de tratamiento médico de emergencia)?		
Entradas ilegales y otras violaciones de inmigración			
63a	¿ALGUNA VEZ ha fallado en asistir, se ha negado a asistir o mantenerse presente en cualquier procedimiento de remoción iniciado en su contra después del 1 de abril de 1997?		
63b	Si respondió que “sí” al pregunta #63.a., tiene razón de creer que tuvo una causa razonable?		
63c	Si respondió que “sí” al pregunta #63.b. adjunto una declaración por escrito explicando por que tuvo una causa razonable.		
64	¿ALGUNA VEZ ha presentado documentación falsa o fraudulenta a cualquier oficial del gobierno estadounidense para obtener o intentar obtener cualquier beneficio, incluyendo una visa o entrada a los EEUU?		
65	¿ALGUNA VEZ ha mentido, u ocultado/falsificado información en una solicitud o petición para obtener: una visa, otra documentación requerida para entrar a los EEUU, admisión a los EEUU o cualquier otro tipo de beneficio migratorio?		
66	¿ALGUNA VEZ ha falsamente declarado ser ciudadano estadounidense (por escrito o cualquier otro método)?		
67	¿ALGUNA VEZ ha entrado a los EEUU escondido en un barco o avión sin el conocimiento del conductor?		
68	¿ALGUNA VEZ ha fomentado, inducido, asistido, ayudado de cualquier forma a un extranjero a entrar o intentar entrar a los EEUU ilegalmente (cruce de personas)?		
69	¿Se encuentra bajo orden final de pena civil por violar la sección 274C de leyes de inmigración por utilizar documentos falsos/fraudulentos?		
Remocion, Presencia Ilegal, o Entrada Ilegal Despues de Violaciones de Inmigracion Anteriores			
70	¿ALGUNA VEZ ha sido excluido, deportado, o removido de los EEUU o ha salido por su cuenta después de haber sido excluido, deportado, o removido de los EEUU?		



71	¿ALGUNA VEZ ha entrado a los EEUU <u>sin</u> inspección y admisión o permiso condicional?		
Desde el 1º de abril de 1997, ha estado presente ilegalmente en los EEUU:			
72a	¿Por más de 180 días pero menos de un año, y después salido de EEUU?		
72b	¿Por un año o más y después salido de EEUU?		
<i>Nota: La presencia ilegal es cuando entra sin inspección o admisión o inspección y permiso condicional, o si entra legalmente pero permanece más del tiempo permitido.</i>			
Desde el 1º de abril de 1997, ALGUNA VEZ ha vuelto a entrar o intentado volver a entrar sin inspección, admisión, o permiso condicional después de:			
#	Pregunta	Si	No
73a	¿Haber estado presente ilegalmente dentro de los EEUU por más de un año en total?		
73b	¿Haber sido deportado, excluido o removido de los EEUU?		
Conducta Miscelanea			
74	¿Planea casarse con más de una persona a la misma vez en los EEUU?		
75	¿Esta acompañando a un extranjero que requiera su protección o tutela pero quien no es admisible por haber sido certificado por un oficial médico como incapacitado por una enfermedad, discapacidad física o mental, o infancia, como se describe en la seccion INA 232(c)?		
76	¿ALGUNA VEZ ha asistido en detener o retener o negar la custodia de un menor ciudadano estadounidense fuera de los EEUU para negarle la custodia a una persona ciudadana estadounidense quien tenga custodia del menor?		
77	¿ALGUNA VEZ ha votado en violación de cualquier ley federal, estatal o local en los EEUU?		
78	¿ALGUNA VEZ ha renunciado su ciudadanía estadounidense para evitar el cobro de impuestos por los EEUU?		
79a	¿ALGUNA VEZ ha solicitado para una excepción o descargo de entrenamiento o servicio a las fuerzas armadas estadounidenses o al entrenamiento de seguridad nacional por el motivo de ser extranjero?		
79b	¿ALGUNA VEZ ha sido relevado o descargado de tal tipo de entrenamiento o servicio por el motivo de ser extranjero?		
79c	¿ALGUNA VEZ ha sido encontrado culpable por abandono de las fuerzas armadas estadounidenses?		
80a	¿ALGUNA VEZ ha salido o permanecido fuera de los EEUU para evitar o evadir entrenamiento o servicio en las fuerzas armadas estadounidenses durante un periodo de guerra o periodo declarado por el Presidente como emergencia nacional?		
80b	Si su respuesta es "sí" al #80a, ¿cuál era su nacionalidad o estado migratorio inmediatamente antes de irse?		



# Application For Employment Authorization

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

USCIS  
Form I-765  
OMB No. 1615-0040  
Expires 09/30/2027

For USCIS Use Only	<input type="checkbox"/> Authorization/Extension Valid From _____	Fee Stamp	Action Block  <i>NOTE: Commentary/practice tips are noted below in red.</i>									
	<input type="checkbox"/> Authorization/Extension Valid Through _____											
	Alien Registration Number A- <table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>											
Remarks												

To be completed by an attorney or Board of Immigration Appeals (BIA)- accredited representative (if any).	<input checked="" type="checkbox"/> Select this box if Form G-28 is attached. <i>Be sure to check this box.</i>	Attorney or Accredited Representative USCIS Online Account Number (if any) <table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>										

► **START HERE** - Type or print in black ink.

## Part 1. Reason for Applying

I am applying for (select **only one** box):

- 1.a. ☒ Initial permission to accept employment.  
*Select box 1.a. since client has not previously been issued an EAD under category (c)(9).*
- 1.b. ☐ Replacement of lost, stolen, or damaged employment  
authorization document, or correction of my  
employment authorization document **NOT DUE** to  
U.S. Citizenship and Immigration Services (USCIS)  
error.

**NOTE:** Replacement (correction) of an employment  
authorization document due to USCIS error does not  
require a new Form I-765 and filing fee. Refer to  
**Replacement for Card Error** in the **What is the  
Filing Fee** section of the Form I-765 Instructions for  
further details.

- 1.c. ☐ Renewal of my permission to accept employment.  
(Attach a copy of your previous employment  
authorization document.)

## Part 2. Information About You

### Your Full Legal Name

- 1.a. Family Name (Last Name) 

Doe Client
------------
- 1.b. Given Name (First Name) 

Jayne
-------
- 1.c. Middle Name 

--

### Other Names Used

Provide all other names you have ever used, including aliases,  
maiden name, and nicknames. If you need extra space to  
complete this section, use the space provided in **Part 6**.

#### Additional Information.

- 2.a. Family Name (Last Name) 

Doe
-----
- 2.b. Given Name (First Name) 

Jayne
-------
- 2.c. Middle Name 

--
- 3.a. Family Name (Last Name) 

Doe
-----
- 3.b. Given Name (First Name) 

Jane
------
- 3.c. Middle Name 

--
- 4.a. Family Name (Last Name) 

--
- 4.b. Given Name (First Name) 

--
- 4.c. Middle Name 

--



## Part 2. Information About You (continued)

### Your U.S. Mailing Address

- 5.a. In Care Of Name (if any) *List attorney's office address as safe mailing address for client.*  
**Allison Attorney, Law Firm LLP**
- 5.b. Street Number and Name **987 Main Avenue**
- 5.c. ☐ Apt. ☐ Ste. ☒ Flr. **36**
- 5.d. City or Town **New York**
- 5.e. State **NY** 5.f. ZIP Code **10036**
6. Is your current mailing address the same as your physical address?  
☐ Yes ☒ No
- NOTE:** If you answered "No" to Item Number 6., provide your physical address below.

### U.S. Physical Address

- 7.a. Street Number and Name **123 Exeter Street**
- 7.b. ☒ Apt. ☐ Ste. ☐ Flr. **1B**
- 7.c. City or Town **Ridgewood**
- 7.d. State **NY** 7.e. ZIP Code **11385**

### Other Information

8. Alien Registration Number (A-Number) (if any)  
▶ A- **1 2 3 4 5 6 7 8 9**
9. USCIS Online Account Number (if any)  
▶
10. Gender ☐ Male ☒ Female
11. Marital Status  
☐ Single ☒ Married ☐ Divorced ☐ Widowed
12. Have you previously filed Form I-765?  
☒ Yes ☐ No
- 13.a. Has the Social Security Administration (SSA) ever officially issued a Social Security card to you?  
☒ Yes ☐ No
- NOTE:** If you answered "No" to Item Number 13.a., skip to Item Number 14. If you answered "Yes" to Item Number 13.a., provide the information requested in Item Number 13.b.

- 13.b. Provide your Social Security number (SSN) (if known).

▶ **1 1 1 2 2 3 3 3 3**

14. Do you want the SSA to issue you a Social Security card? (You must also answer "Yes" to Item Number 15., Consent for Disclosure, to receive a card.)  
*Check "No" since client has already been issued a restricted SS card.* ☐ Yes ☒ No
- NOTE:** If you answered "No" to Item Number 14., skip to Part 2., Item Number 18.a. If you answered "Yes" to Item Number 14., you must also answer "Yes" to Item Number 15.
15. **Consent for Disclosure:** I authorize disclosure of information from this application to the SSA as required for the purpose of assigning me an SSN and issuing me a Social Security card.  
☐ Yes ☐ No
- NOTE:** If you answered "Yes" to Item Numbers 14. - 15., provide the information requested in Item Numbers 16.a. - 17.b.

### Father's Name

Provide your father's birth name.

- 16.a. Family Name (Last Name)
- 16.b. Given Name (First Name)

### Mother's Name

Provide your mother's birth name.

- 17.a. Family Name (Last Name)
- 17.b. Given Name (First Name)

### Your Country or Countries of Citizenship or Nationality

List all countries where you are currently a citizen or national. If you need extra space to complete this item, use the space provided in Part 6. Additional Information.

- 18.a. Country  
**Guatemala**
- 18.b. Country



## Part 2. Information About You (continued)

### Place of Birth

List the city/town/village, state/province, and country where you were born.

19.a. City/Town/Village of Birth

Huehuetenango

19.b. State/Province of Birth

Huehuetenango

19.c. Country of Birth

Guatemala

20. Date of Birth (mm/dd/yyyy)

08/04/1984

### Information About Your Last Arrival in the United States

21.a. Form I-94 Arrival-Departure Record Number (if any)

▶ 9 8 7 4 5 6 4 3 2 1 A

21.b. Passport Number of Your Most Recently Issued Passport

21.c. Travel Document Number (if any)

21.d. Country That Issued Your Passport or Travel Document

21.e. Expiration Date for Passport or Travel Document (mm/dd/yyyy)

22. Date of Your Last Arrival Into the United States, On or About (mm/dd/yyyy)

23. Place of Your Last Arrival Into the United States

Unknown, AZ

24. Immigration Status at Your Last Arrival (for example, B-2 visitor, F-1 student, or no status)

No status

25. Your Current Immigration Status or Category (for example, B-2 visitor, F-1 student, parolee, deferred action, or no status or category)

U-1 - AOS Applicant

26. Student and Exchange Visitor Information System (SEVIS) Number (if any)

▶ N-

### Information About Your Eligibility Category

27. **Eligibility Category.** Refer to the **Who May File Form I-765** section of the Form I-765 Instructions to determine the appropriate eligibility category for this application. Enter the appropriate letter and number for your eligibility category below (for example, (a)(8), (c)(17)(iii)).

*If client is concurrently filing for advance parole on Form I-131, indicate Eligibility Category as (c)(9)(P).* ( c ) ( 9 ) ( )

28. **(c)(3)(C) STEM OPT Eligibility Category.** If you entered the eligibility category (c)(3)(C) in **Item Number 27.**, provide the information requested in **Item Numbers 28.a - 28.c.**

28.a. Degree

28.b. Employer's Name as Listed in E-Verify

28.c. Employer's E-Verify Company Identification Number or a Valid E-Verify Client Company Identification Number

29. **(c)(26) Eligibility Category.** If you entered the eligibility category (c)(26) in **Item Number 27.**, provide the receipt number of your H-1B spouse's most recent Form I-797 Notice for Form I-129, Petition for a Nonimmigrant Worker.

▶

30. **(c)(8) Eligibility Category.** If you entered the eligibility category (c)(8) in **Item Number 27.**, have you **EVER** been arrested for and/or convicted of any crime?

☐ Yes ☐ No

**NOTE:** If you answered "Yes" to **Item Number 30.**, refer to **Special Filing Instructions for Those With Pending Asylum Applications (c)(8)** in the **Required Documentation** section of the Form I-765 Instructions for information about providing court dispositions.

31.a. **(c)(35) and (c)(36) Eligibility Category.** If you entered the eligibility category (c)(35) in **Item Number 27.**, please provide the receipt number of your Form I-797 Notice for Form I-140, Immigrant Petition for Alien Worker. If you entered the eligibility category (c)(36) in **Item Number 27.**, please provide the receipt number of your spouse's or parent's Form I-797 Notice for Form I-140.

▶

31.b. If you entered the eligibility category (c)(35) or (c)(36) in **Item Number 27.**, have you **EVER** been arrested for and/or convicted of any crime?

☐ Yes ☐ No

**NOTE:** If you answered "Yes" to **Item Number 31.b.**, refer to **Employment-Based Nonimmigrant Categories, Items 8. - 9.**, in the **Who May File Form I-765** section of the Form I-765 Instructions for information about providing court dispositions.



### Part 3. Applicant's Statement, Contact Information, Declaration, Certification, and Signature

**NOTE:** Read the **Penalties** section of the Form I-765 Instructions before completing this section. You must file Form I-765 while in the United States.

#### Applicant's Statement

**NOTE:** Select the box for either **Item Number 1.a.** or **1.b.** If applicable, select the box for **Item Number 2.**

- 1.a. ☐ I can read and understand English, and I have read and understand every question and instruction on this application and my answer to every question.
- 1.b. ☒ The interpreter named in **Part 4.** read to me every question and instruction on this application and my answer to every question in 

**Spanish**

, a language in which I am fluent, and I understood everything.
2. ☒ At my request, the preparer named in **Part 5.**, 

**Allison Attorney**

, prepared this application for me based only upon information I provided or authorized.

#### Applicant's Contact Information

3. Applicant's Daytime Telephone Number 

**(212) 555-1213** *Leave blank or insert attorney's phone #.*
4. Applicant's Mobile Telephone Number (if any) 

*Leave blank.*
5. Applicant's Email Address (if any) 

*Leave blank.*
6. ☐ Select this box if you are a Salvadoran or Guatemalan national eligible for benefits under the ABC settlement agreement.

#### Applicant's Declaration and Certification

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

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

I understand that USCIS may require me to appear for an appointment to take my biometrics (fingerprints, photograph, and/or signature) and, at that time, if I am required to provide biometrics, I will be required to sign an oath reaffirming that:

- 1) I reviewed and understood all of the information contained in, and submitted with, my application; and
- 2) All of this information was complete, true, and correct at the time of filing.

I certify, under penalty of perjury, that all of the information in my application and any document submitted with it were provided or authorized by me, that I reviewed and understand all of the information contained in, and submitted with, my application and that all of this information is complete, true, and correct.

#### Applicant's Signature

7.a. Applicant's Signature



7.b. Date of Signature (mm/dd/yyyy)

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

### Part 4. Interpreter's Contact Information, Certification, and Signature

Provide the following information about the interpreter.

#### Interpreter's Full Name

1.a. Interpreter's Family Name (Last Name)

**Traductor**

1.b. Interpreter's Given Name (First Name)

**Teresa**

2. Interpreter's Business or Organization Name (if any)

**Law Firm LLP**



#### Part 4. Interpreter's Contact Information, Certification, and Signature

##### Interpreter's Mailing Address

3.a. Street Number and Name **987 Main Avenue**

3.b. ☐ Apt. ☐ Ste. ☒ Flr. **36**

3.c. City or Town **New York**

3.d. State **NY** 3.e. ZIP Code **10011**

3.f. Province

3.g. Postal Code

3.h. Country **USA**

##### Interpreter's Contact Information

4. Interpreter's Daytime Telephone Number **(212) 555-1212**

5. Interpreter's Mobile Telephone Number (if any)

6. Interpreter's Email Address (if any) **ttraductor@lawfirmllp.com**

##### Interpreter's Certification

I certify, under penalty of perjury, that:

I am fluent in English and **Spanish**, which is the same language specified in **Part 3., Item Number 1.b.**, and I have read to this applicant in the identified language every question and instruction on this application and his or her answer to every question. The applicant informed me that he or she understands every instruction, question, and answer on the application, including the **Applicant's Declaration and Certification**, and has verified the accuracy of every answer.

##### Interpreter's Signature

7.a. Interpreter's Signature

7.b. Date of Signature (mm/dd/yyyy)

#### Part 5. Contact Information, Declaration, and Signature of the Person Preparing this Application, If Other Than the Applicant

Provide the following information about the preparer.

##### Preparer's Full Name

1.a. Preparer's Family Name (Last Name) **Attorney**

1.b. Preparer's Given Name (First Name) **Allison**

2. Preparer's Business or Organization Name (if any) **Law Firm LLP**

##### Preparer's Mailing Address

3.a. Street Number and Name **987 Main Avenue**

3.b. ☐ Apt. ☐ Ste. ☒ Flr. **36**

3.c. City or Town **New York**

3.d. State **NY** 3.e. ZIP Code **10011**

3.f. Province

3.g. Postal Code

3.h. Country **USA**

##### Preparer's Contact Information

4. Preparer's Daytime Telephone Number **(212) 555-1213**

5. Preparer's Mobile Telephone Number (if any)

6. Preparer's Email Address (if any) **aattorney@lawfirmllp.com**



**Part 5. Contact Information, Declaration, and Signature of the Person Preparing this Application, If Other Than the Applicant**  
(continued)

***Preparer's Statement***

- 7.a. ☐ I am not an attorney or accredited representative but have prepared this application on behalf of the applicant and with the applicant's consent.
- 7.b. ☒ I am an attorney or accredited representative and my representation of the applicant in this case ☒ extends ☐ does not extend beyond the preparation of this application.

**NOTE:** If you are an attorney or accredited representative, you may need to submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, with this application.

***Preparer's Certification***

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

***Preparer's Signature***

- 8.a. Preparer's Signature

- 8.b. Date of Signature (mm/dd/yyyy)



## Part 6. Additional Information

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

1.a. Family Name (Last Name)	<b>Doe Client</b>
---------------------------------	-------------------

1.b. Given Name (First Name)	Jayne
---------------------------------	-------

1.c. Middle Name	
------------------	--

2. A-Number (if any) ► A-

1	2	3	4	5	6	7	8	9
---	---	---	---	---	---	---	---	---

**3.a.** Page Number **3.b.** Part Number **3.c.** Item Number

3.d.

4.a. Page Number      4.b. Part Number      4.c. Item Number

**4.d.**

**5.a.** Page Number **5.b.** Part Number **5.c.** Item Number

[illegible]

**6.a.** Page Number **6.b.** Part Number **6.c.** Item Number

[illegible]

7.a. Page Number      7.b. Part Number      7.c. Item Number

[illegible]



## **APPLICATION PACKET ASSEMBLY & MAILING INSTRUCTIONS**

### **Binding:**

For each of the petitions (i.e. I-765, I-485 etc.), “Acco-bind” your documents with a paper fastener by punching two holes on top (the two punched holes should be 2 ¾ inches apart). Each of the petitions will be a separate “packet”.



### **Exhibits:**

Do not use exhibit tabs. Use colored paper (not blue) to delineate between exhibits and type exhibit number/letter on the paper. If you have the same exhibit for multiple petitions (i.e. identity documents) each petition should have a copy of the exhibit.

### **Passport Photos:**

Label the back of each passport photo with your client’s full name and A-number as follows:

LAST NAME, First Name

A#

Place the photos in a clear, sealable photo bag or small envelope labeled with “Two (2) Passport Photos.” If using:

- Sealed, clear photo bag, staple the photo bag to the side of Page 1 of the relevant USCIS form. Be careful NOT to staple the actual photos; only the bag should be affixed to the form.
- Sealed, small envelope, 2-hole punch the envelope and Acco-bind the envelope on top of Page 1 of the relevant USCIS form. Be careful NOT to punch through or damage the actual photos.

### **Immigration Medical Exam (Form I-693):**

If your filing requires the submission of Form I-693, it is recommended to Acco-bind the medical exam to the application packet by carefully 2-hole punching the sealed envelope containing Form I-693. Be careful NOT to punch through or damage the actual papers contained within the sealed envelope. If it is not feasible to 2-hole punch the sealed envelope without damaging the contents within, the medical exam envelope may be binder clipped to the back of your I-485 adjustment of status Acco-bound packet.

Make sure the front of the medical exam envelope is labeled with your client’s full name and A-number. If the envelope is missing this information, you should write this on the front of the envelope yourself; this does not need to be done by the USCIS civil surgeon who completed the exam.

**Assembly/Document Order:**

Assemble the application in the following order: (from top to bottom)

1. Cover Letter
2. Index of Evidence
3. Form G-28
4. Relevant USCIS Form, including any additional information pages or form addendum
5. Supporting Evidence, including supporting affidavit and identity documents

**Mailing:**

Always check the USCIS website to verify the most current mailing address before filing.

Direct Filing Addresses for Form I-485: <https://www.uscis.gov/forms/all-forms/direct-filing-addresses-for-form-i-485-application-to-register-permanent-residence-or-adjust-status>

Where to File Form I-918: <https://www.uscis.gov/I-918>

Where to File Form I-914: <https://www.uscis.gov/i-914>

Direct Filing Addresses for Form I-360: <https://www.uscis.gov/forms/all-forms/direct-filing-addresses-for-form-i-360-immigrant-petition-for-amerasian-widower-or-special-immigrant>

See *also*, Direct Filing Addresses for Form I-485 if filing both the I-360 and I-485 concurrently: <https://www.uscis.gov/forms/all-forms/direct-filing-addresses-for-form-i-485-application-to-register-permanent-residence-or-adjust-status>

**\*\*Please send a PDF copy of the final submission to your Her Justice mentor\*\***



U.S. Citizenship  
and Immigration  
Services

[Home](#) > [Green Card](#) > [Green Card Processes and Procedures](#) > Finding a Medical Doctor

## Finding a Medical Doctor

Medical examinations and vaccinations in the United States are typically required for anyone who files [Form I-485, Application to Register Permanent Residence or Adjust Status](#). If we require you to undergo an immigration medical exam, [see the myUSCIS Find a Doctor page](#) for help finding a designated physician (also known as a "civil surgeon"). You can also call the [USCIS Contact Center](#) at 800-375-5283. (For people who are deaf, hard of hearing or have a speech disability: TTY 800-767-1833.)

This exam takes place in the United States, where all designated civil surgeons are located. Department of State panel physicians are located overseas and are typically used when applying to immigrate through consular processing outside of the United States, not for applicants submitting Form I-485.

## Medical Examination Fees

USCIS does not regulate the fees charged by civil surgeons for the completion of a medical examination. **Rates vary by physician.**

## Completing Medical Forms

Print out and bring the most recent version of [Form I-693, Report of Medical Examination and Vaccination Record](#) to your medical exam appointment. Complete Part 1 of Form I-693 but **do not sign** until the civil surgeon instructs you to do so. The civil surgeon will use Form I-693 to document the results of your medical exam.

The designated civil surgeon will complete, sign, and seal Form I-693 and any supporting documents in an envelope. You must submit the sealed envelope to USCIS as directed in the Form I-693 instructions.

**IMPORTANT:** Do not break the seal or open this envelope. USCIS will not accept Form I-693 if it is not in a sealed envelope or if the envelope is altered in any way.

## Civil Surgeons' Responsibilities and Requirements

For more information on the responsibilities, requirements and instructions on how civil surgeons perform immigration exams, see our [Designated Civil Surgeons](#) page.

Last Reviewed/Updated: 07/31/2020



U.S. Citizenship  
and Immigration  
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## USCIS Now Requires Report of Immigration Medical Examination and Vaccination Record to be Submitted with Form I-485 for Certain Applicants

Release Date : 12/02/2024

We now require certain applicants filing [Form I-485, Application to Register Permanent Residence or Adjust Status](#), to submit [Form I-693, Report of Immigration Medical Examination and Vaccination Record](#), with their Form I-485 or the Form I-485 may otherwise be rejected.

Applicants for adjustment of status generally must complete an immigration medical examination and all required vaccinations and submit a properly completed Form I-693 signed by a civil surgeon to show they are free from health conditions that would render them inadmissible under the health-related grounds.

If you are required to submit Form I-693, or a partial Form I-693 (such as the Vaccination Record), you must submit it with your Form I-485. Otherwise, we may reject your Form I-485. We have revised the Form I-485 instructions to make filing the two forms together a requirement.

We have made this change to reduce the number of Requests for Evidence we issue before adjudicating a Form I-485.

Additional information on the immigration benefits that require an immigration medical examination and vaccinations, and whether a civil surgeon or panel physician should conduct the immigration medical examination is available in [Vol. 8, Part B, Chapter 3 - Applicability of Medical Examination and Vaccination Requirement](#) of the USCIS Policy Manual.

Last Reviewed/Updated: 12/02/2024



Need Help?  
Chat with Emma™



U.S. Citizenship  
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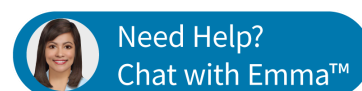
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## USCIS Waives COVID-19 Vaccination Requirement for Adjustment of Status Applicants

Release Date : 01/22/2025

Effective Jan. 22, 2025, USCIS is waiving any and all requirements that applicants for adjustment of status to that of a lawful permanent resident present documentation on their [Form I-693, Report of Immigration Medical Examination and Vaccination Record](#), that they received the COVID-19 vaccination. USCIS will not issue any Request for Evidence or Notice of Intent to Deny related to proving a COVID-19 vaccination. USCIS will not deny any adjustment of status application based on the applicant's failure to present documentation that they received the COVID-19 vaccination.

Last Reviewed/Updated: 01/22/2025



## **USCIS PUBLISHES FINAL FEE RULE, EFFECTIVE APRIL 1, 2024**

On January 31, 2024, USCIS published a final rule on fee changes for applications that is due to take effect on April 1, 2024. Any application, petition, or request **postmarked** on or after April 1, 2024 will be subject to this new rule.

**What does this mean for our clients?** The good news is that this new rule expands fee waiver exemptions to humanitarian applicants (VAWA, U, T) through their adjustment of status.

<b>Humanitarian Application</b>		<b>New Rule Fee Exemptions</b>
<b>VAWA</b>		<ul style="list-style-type: none"><li>• I-131</li><li>• I-212</li><li>• I-290B (if for any benefit before adjustment or motion filed regarding I-485 or an associated ancillary form)</li><li>• I-601</li><li>• I-601A</li><li>• I-765 for initial, renewal and replacement requests</li><li>• I-824</li></ul> <p>For Conditional Permanent Residents filing an I-751 based on Battery/Extreme Cruelty:</p> <ul style="list-style-type: none"><li>• I-751</li><li>• I-290B</li></ul>
<b>U Visa</b>		<ul style="list-style-type: none"><li>• I-131</li><li>• I-192</li><li>• I-193</li><li>• I-290B (for any benefit before adjustment or a motion to appeal with I-485)</li><li>• I-485</li><li>• I-539</li><li>• I-601</li><li>• I-765</li><li>• I-824</li><li>• I-929</li></ul>
<b>T Visa</b>		<ul style="list-style-type: none"><li>• I-131</li><li>• I-192</li><li>• I-193</li><li>• I-290B</li><li>• I-485</li><li>• I-539</li></ul>

	<ul style="list-style-type: none"> <li>• I-601</li> <li>• I-765</li> <li>• I-824</li> </ul>
--	---

**The following forms will still have required filing fees:**

- DS-160
- DS-260
- Fees associated with consular processing for immigrant and non-immigrant visa applicants.

**Naturalization:** USCIS is also extending eligibility for the reduced Naturalization fee to those individuals with incomes between 150% and 400% of the Federal Poverty Guidelines (FPG). Applicants will be able to indicate their request for a reduced fee on the N-400, rather than on the separate I-942 form, although anyone requesting the reduced fee must file their N-400 on paper rather than online. Certain applicants may be eligible for a complete Fee Waiver by filing and I-912. See Form I-912 Instructions (<https://www.uscis.gov/i-912>).

- N-400 Paper Filing: \$760
- N-400 Online Filing: \$710
- Reduced Fee: \$380

# EXHIBIT 3

**INITIAL FILING: SAMPLE  
DOCUMENTS**



## EXHIBIT 3 - INITIAL FILING: SAMPLE DOCUMENTS

- A. Exhibit 3 Table of Contents
- B. Sample Continuous Presence Affidavit
- C. Sample Lack of Passport Affidavit
- D. Sample Affidavits of Translation
- E. Sample Cover Letter
- F. Sample Index of Exhibits

**NOTE: Many of the samples in this manual contain gender neutral pronouns (e.g., they/them instead of she/her and he/him). We recommend that you talk to your client about the pronouns that they use and that their family members, partners or others mentioned in their cases use, and tailor the documents relevant to your case accordingly.**

-----X  
IN THE MATTER OF THE I-485 APPLICATION OF

CAMRYN CLIENT

AFFIDAVIT OF  
CAMRYN CLIENT IN SUPPORT  
OF APPLICATION FOR  
ADJUSTMENT OF STATUS

A # 111-222-333

State of New York )  
 ) ss.  
County of New York )

I, **Camryn Client**, presently residing at a confidential address with mailing address c/o Susanna Saul, Esq., Her Justice, 100 Broadway, 10th floor, New York, New York 10005, being duly sworn, depose and say:

1. My name is Camryn Client. I was born on August 15, 1993 in Guayaquil, Ecuador.
2. I am submitting this declaration in support of my Application for Adjustment of Status on Form I-485.
3. I have two children, each born in the United States: Angel One Client, born on March 24, 2012, and Angel Two Client born on April 11, 2014.
4. I obtained U-1 Nonimmigrant Status on November 28, 2016 based on my I-918 Petition for U Nonimmigrant Status as a victim of the crime of domestic violence at the hands of my spouse Sam Spouse.

### **Continued Physical Presence**

5. I have been in the United States continuously since my I-918 Petition for U Nonimmigrant Status was approved on November 28, 2016; I have resided continuously in the United States since April 5, 2002 and have never left since that date.

### **Non-Refusal to Provide Assistance to Law Enforcement**

6. I am married to Sam Spouse. I reported their physical abuse of me to the police in 2012, which resulted in charges being brought against them by the Queens County, New York District Attorney.
7. I fully cooperated in the investigation and prosecution of the charges brought against my spouse, and the District Attorney certified my cooperation on Form I-918 Supplement B.
8. Since that time, I have not been contacted by the District Attorney's office about the case. The District Attorney's Office does not require more cooperation from me.
9. If the District Attorney's Office required more cooperation from me, I would cooperate fully.

**Commented [TF2]:** This section is required for persons in U-1 Nonimmigrant Status. This section should not be included for derivatives (U-2, U-3, U-4 or U-5 Nonimmigrants).

### **Justification for Adjustment of Status**

10. I have two children, Angel One and Angel Two, who were born in the United States and who live with me here. Angel One is eight years old and Angel Two is six years old, and they would suffer if I had to return to Ecuador, my native country. I support my daughters, with some help from my parents, with whom we live.
11. I have lived in the United States since 2002, when I was nine years old, and I have family members in the United States, including my parents, Mama and Papa Origin, and my brothers Hermano Origin and Buster Origin.
12. Although I was arrested for shoplifting in 2014, that charge was dismissed.
13. My family and I attend Sunday religious services at a Catholic church near our home in Queens.

**Commented [ss3]:** Address any criminal issues and other adverse factors and discuss humanitarian equities here.

14. I presently work two part time jobs, as a sales associate at Big Box Store and as a ticketing gate agent for Money Airlines to help support myself and my daughters. Although I have filed for child support from my spouse, Angel One's parent, I have not received any money from them.

15. I plan to file tax returns for the year 2019, as this is the first year that I earned enough money to require that I file a tax return.

16. If I am unable to obtain permanent resident status and then have to return to Ecuador, it would cause me and my family extreme hardship. My two children, who were born in the United States and are entitled to remain here, would be separated from their parent. There would also be financial consequences, as I provide substantially to their support and have full physical and sole custody of them.

Wherefore, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

\_\_\_\_\_  
Camryn Client

Sworn to me this \_\_\_\_\_

Day of \_\_\_\_\_ 2020

\_\_\_\_\_  
Notary Public

UNITED STATES DEPARTMENT OF HOMELAND SECURITY  
UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

-----X  
IN THE MATTER OF THE I-485 APPLICATION OF

CAMRYN CLIENT  
AFFIDAVIT OF  
CAMRYN CLIENT REGARDING  
THEIR LACK OF A PASSPORT  
DURING U NONIMMIGRANT  
STATUS

A # 111-222-333  
-----X

State of New York                     )  
  ) ss.  
County of New York                    )

I, **Camryn Client**, presently residing at a confidential address with mailing address c/o Susanna Saul, Esq., Her Justice, 100 Broadway, 10<sup>th</sup> floor, New York, New York 10005, being duly sworn, depose and say: being duly sworn, depose and say:

1. My name is Camryn Client. I was born on August 15, 1993 in Guayaquil, Ecuador.
2. I am submitting this declaration regarding my lack of a valid passport or equivalent travel document during a period of time while I had U Nonimmigrant Status.
3. My U-1 Nonimmigrant Status was granted on November 28, 2016 and is valid until November 27, 2020.
4. I had a valid Ecuadorian passport from May 1, 2011 until May 1, 2018. I renewed my Ecuadorian passport on November 1, 2018; my current passport is valid until November 1, 2025.
5. I did not have a valid passport between May 1, 2018 and November 1, 2018 because I did not notice that it expired until June 2018, and then I had to save the \$250 to pay for the passport renewal fee. I was unable to pull that money together until November 1, 2018.

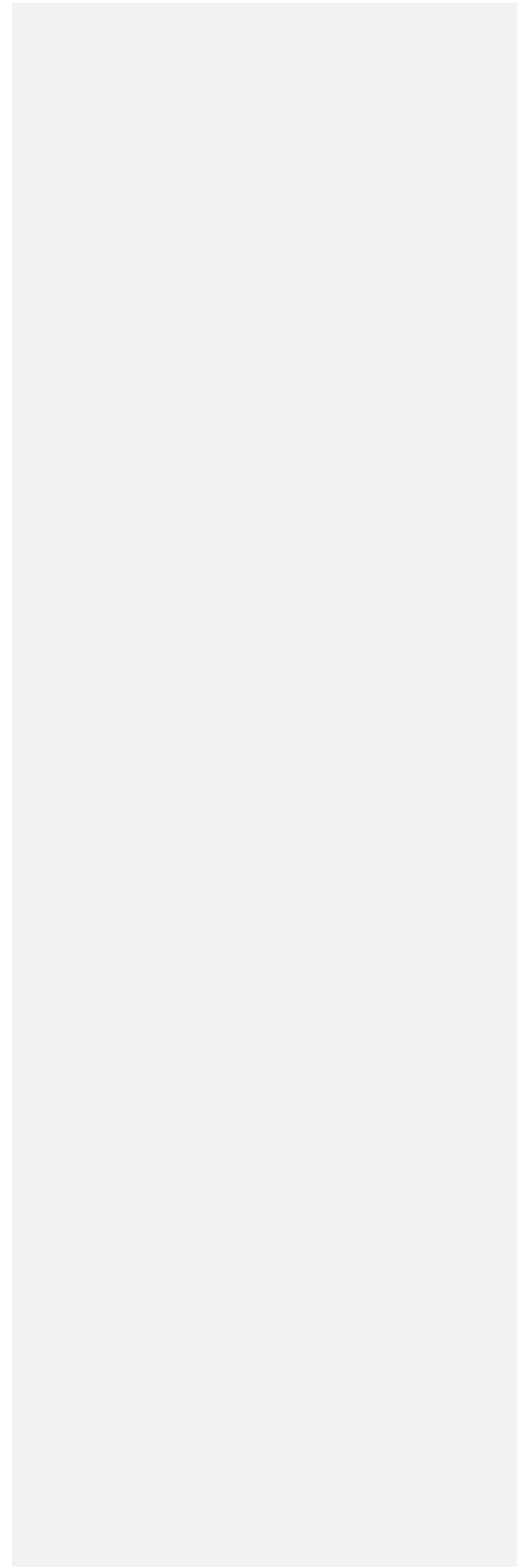
**Commented [ss1]:** Each derivative family member must also have their own lack of passport affidavit (if applicable).

Wherefore, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

SIGNED: \_\_\_\_\_  
Camryn Client

Sworn to me this \_\_\_\_\_  
day of \_\_\_\_\_ 2020

\_\_\_\_\_  
Notary Public



UNITED STATES DEPARTMENT OF HOMELAND SECURITY  
UNITED STATES CITIZENSHIP & IMMIGRATION SERVICES

-----X

IN THE MATTER OF THE  
HANNAH CLIENT

TRANSLATOR'S  
AFFIDAVIT

A # *(If no A#, use DOB)*

-----X

State of New York     )  
  ) ss.:  
County of New York    )

I, Trudy Translator, being duly sworn, depose and say:

1.     I work at Law Firm LLP, located at *[address]*.
2.     I am fluent in both the English and *[foreign language]* languages.
3.     I have read the attached Affidavit in Support of Adjustment of Status Application to Hannah Client and translated it word for word from English to \_\_\_\_\_ after which she signed the document based on my translations.
4.     The translation is true and complete.

\_\_\_\_\_  
Trudy Translator

Sworn to before me

This \_\_\_\_ day of \_\_\_\_ 20\_\_

\_\_\_\_\_  
Notary Public

UNITED STATES DEPARTMENT OF HOMELAND SECURITY  
UNITED STATES CITIZENSHIP & IMMIGRATION SERVICES

-----X

IN THE MATTER OF  
HANNAH CLIENT

TRANSLATOR'S  
AFFIDAVIT

A # *(if no A#, use DOB)*

-----X

State of New York     )  
  ) ss.:  
County of New York    )

I, Trudy Translator, being duly sworn, depose and say:

1.     I work at Law Firm LLP, located at *[address]*.
2.     I am fluent in both the English and *[foreign language]* languages.
3.     I translated the *[Name of Document, i.e., birth certificate of Hannah Client, marriage certificate of Hannah Client and Mr. Abuser, letter dated 12/24/1999 from Mr. Abuser to Hannah Client]* from the *[indicate foreign language, i.e., Spanish]* language to the English language.

The translation is true and complete.

\_\_\_\_\_  
Trudy Translator

Sworn to before me

This \_\_\_\_ day of \_\_\_\_ 20\_\_

\_\_\_\_\_  
Notary Public



DATE

Sent via FedEx

Tracking No: 1234 5678 9999

USCIS – Nebraska Service Center

Attn: 485U VAWA

850 S St.

Lincoln, NE 68508-1225

**Re: Concurrent I-485 and I-765 Applications for U Nonimmigrant**

**Applicant: Jayne Doe Client**

**A-Number: 123-456-789**

Dear USCIS:

I represent Jayne Doe Client (“Ms. Doe” or “Applicant”) in her enclosed adjustment of status application on Form I-485 and employment authorization application on Form I-765. **Ms. Client is a U-1 nonimmigrant with status valid from March 13, 2022 to March 13, 2026.** Her I-918 petition, under receipt number EAC1512345678, and I-192 application waiving applicable inadmissibility grounds, under receipt number EAC1512345600, were approved by USCIS on March 13, 2022.

Ms. Doe is eligible for adjustment of status under INA Sec. 245(m) as she has been continuously physically present in the U.S. for at least three (3) years from the date of her U admission. *See enclosed*, Continuous Physical Presence Documentation. She does not pose a threat to public safety or to national security, and merits a favorable exercise of discretion given her length of residence, family, and community ties to the U.S., her employment history, and her reasons for wanting to remain in the U.S. *See enclosed*, Ms. Doe’s Affidavit in Support of I-485 Application.

Concurrently enclosed with Ms. Doe’s I-485 adjustment application is an employment authorization application Form I-765 requesting the issuance of an Employment Authorization Document (EAD) under category (c)(9).

In support of Ms. Doe’s enclosed applications, please find the following:

1. Form G-28, Notice of Entry of Appearance as Attorney
2. Form I-485, Application to Register Permanent Residence or Adjust Status
  - a. Two (2) passport-style photos
  - b. Index of Evidence, including;
    - Affidavit of Applicant in Support of I-485 Application
    - Form I-797A, Notice of Action, I-918 Approval Notice
    - Form I-797A, Notice of Action, I-192 Approval Notice
    - Applicant’s birth certificate with certified English translation
    - All pages from Applicant’s current passport, valid from [ ● ] to [ ● ]  
– only passport held as U nonimmigrant

**Commented [SS1]:** Always send via trackable mail that will arrive by the filing deadline

**Commented [PD2]:** Confirm filing address on the USCIS Website under Direct Filing Address for the I-485:  
<https://www.uscis.gov/forms/all-forms/direct-filing-addresses-for-form-i-485-application-to-register-permanent-residence-or-adjust-status>

**Commented [ss3]:** If possible, print on light blue paper.

**Commented [KN4]:** If applicable.

**Commented [KN5]:** If applicable.

**Commented [KN6]:** If client had multiple passports during period of U nonimmigrant status, you will need to include all pages of all prior passports held as U nonimmigrant.

- Documentation of continuous physical presence in U.S. for at least three (3) years – *from [ ● ] to present*
- c. Form I-693, Report of Medical Examination and Vaccination Record, in sealed envelope
- 3. Form I-765, Application for Employment Authorization
  - a. Two (2) passport-style photos
  - b. Front & back of EAD previously issued to Applicant

**Commented [SS7]:** The Form I-693 must be submitted to USCIS in the sealed envelope provided by the USCIS Civil Surgeon

Please direct any and all correspondence related to the enclosed I-485 and I-765 applications to my office which serves as Ms. Doe's safe mailing address at:

Attn: Allison Attorney  
Law Firm LLP  
987 Main Ave.  
36<sup>th</sup> Floor  
New York, NY 10011.

Thank you for your prompt attention to the enclosed applications and issuance of an I-485 receipt notice extending Ms. Doe's U nonimmigrant status during the pendency of her adjustment application.

Should you require anything further, please do not hesitate to contact me.

Sincerely,

Allison Attorney, Esq.  
Associate  
Law Firm LLP

## CAMRYN SOL CLIENT

A#222-222-222

### I-485 INDEX OF EXHIBITS

- Form G-28
- Form I-693 Medical Examination (Sealed Envelope)

#### IDENTIFYING DOCUMENTS

1. Passport (All Pages)
2. Birth Certificate with Certified English Translation
3. Expired Passport

#### PROOF OF CONTINUOUS PRESENCE IN U-1 STATUS

4. Notice of Action Approving I-918 and Granting U-1 Nonimmigrant Status
5. Notice of Action Approving I-192

Table of Documents Showing Continuous Presence from November 2016 to the present

EXHIBIT	DESCRIPTION	DATES
6.	Health First Benefit Letter	JANUARY 2019
7.	Attorney Correspondence	JANUARY 2019
8.	Division of Health Letter Hamilton	JANUARY 2019, NOVEMBER 2019
9.	DMV Temporary ID Card	MAY 2019
10.	Criminal Complaint	JULY 2019, MARCH 2020
11.	Caring Health Center	AUGUST 2019
12.	Health and Dental Care Appointments and Exams	AUGUST 2019, MARCH 2020
13.	Western Union Bank Statement	SEPTEMBER 2019
14.	Santander Bank Statement	NOVEMBER 2019, JANUARY 2020, DECEMBER 2020
15.	Bank of America Bank Statements	NOVERMBER 2019, APRIL 2020, MAY 2020, FEBURARY 2021, MARCH 2021, MARCH 2022
16.	Home Depot Receipts and Credit Card Payments	NOVEMBER 2019, FEBURARY 2020, APRIL 2021
17.	Massachusetts Department of Health and Human Services	DECEMBER 2019
18.	Department of Primary and Secondary Education Massachusetts	JANUARY 2020
19.	JC Penny's Store Credit Card Statements	JANUARY 2020
20.	Xfinity Bill Statement	FEBURARY 2020, DECEMBER 2020
21.	W-2	2020
22.	Mobile Vending License	JULY 2020

23.	E-Z Pass Bill Statement	JULY 2020, JULY 2021
24.	Torence Bank Statement	JULY 2020, MAY 2020
25.	New York Community Bank Statement	AUGUST 2020
26.	IRS 1040 Adjustment Notice	AUGUST 2021
27.	Gap Visa Card Statement	JULY 2021
28.	Eversource Account Statement	JUNE 2021, NOVEMBER 2021

#### HUMANITARIAN REASONS FOR GRANTING ADJUSTMENT OF STATUS

- 29. Affidavit of Camryn Sol Client in Support of Adjustment of Status
- 30. Birth Certificate of Angel One Client
- 31. Birth Certificate of Angel Two Client
- 32. Birth Certificate of Angel Three Client

# EXHIBIT 4

**POST-FILING: IMPORTANT  
DOCUMENTS AFTER RECEIPT**

## **EXHIBIT 4 – POST-FILING: IMPORTANT DOCUMENTS AFTER RECEIPT**

- A. Exhibit 4 Table of Contents
- B. FAQ's: What happens after I file an application with USCIS?
- C. Sample I-485 Biometrics Notice and AIW
- D. USCIS Policy Memorandum Regarding Extension of Status for U/T
- E. Sample I-485 Receipt U Extension Notice
- F. Sample I-765 Receipt Notice
- G. Sample I-765 Approval Notice
- H. Sample I-765 Renewal Cover Letter
- I. Sample I-765 Renewal Application
- J. Sample Employer Advocacy Letter
- K. Sample Request for Evidence (RFE) for Medical Exam
- L. Sample RFE for Criminal History
- M. Sample RFE Response Cover Letter for Medical Exam
- N. Sample RFE response Cover Letter for Criminal History
- O. Sample New Attorney G-28 Cover Letter

## **FAQ'S: WHAT HAPPENS AFTER I FILE AN APPLICATION WITH USCIS?**

*This is a general advisory covering the range of immigration cases mentored by Her Justice.*

### **When will I get the receipt notice?**

- The receipt notice(s) should arrive about three weeks after sending the application to USCIS, assuming the application was sent via FedEx or another courier service. If you do not receive a receipt notice within three weeks of submitting your case to USCIS, please alert your Her Justice mentor.

### **What information does the receipt notice contain?**

- You will get a receipt notice for each application that was filed. If you used your address as the client's "safe address", you will receive two copies of the receipt notices for each application (an attorney copy and a client copy).
- The notice will contain a "receipt date" which is the date that USCIS officially accepted the filing. Make sure that the receipt date is before any applicable filing deadline. If it was not before the deadline, you will have the burden of proving (via trackable mail receipt) that USCIS received it and should have receipted it in before the deadline. If you believe you missed a deadline, speak to your Her Justice mentor immediately.

### **What should I do with the receipt notice?**

- The receipt notice is a critical document in every immigration case. It is extremely important that you keep the receipt notice in the digital and hard copy file. You, or whomever else works on the case in the future, will need this notice to follow up on the case if there are any issues.
- Give your client her copy of the receipt notice(s).
- Send a pdf of the receipt notice(s) to your Her Justice mentor.
- For most cases, the receipt notice alone does not convey any immigration status on your client. However, for **I-751 Petitions to Remove Conditions on Residence**, the receipt notice is the document that extends your client's lawful immigration status, including the right to work lawfully in the U.S. and to travel outside of the U.S. and return. **For I-485 Adjustment of Status for U Nonimmigrants, the I-485 receipt notice extends your client's lawful immigration status and extends the right to work lawfully in the U.S. for one year from expiration of her previous employment authorization.**<sup>1</sup>
- For other types of immigration relief, the receipt notice may be used to apply for certain public assistance, including Medicaid. Note that this is very important if you filed both applications where the fee waiver was denied and applications that do not require a fee. In these cases, Her Justice recommends that the client use the

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<sup>1</sup> See attached USCIS Policy Memorandum – Extension of Status for T and U Nonimmigrants, at Exhibit 2

receipt notice to apply for Medicaid and, assuming the client is approved for Medicaid, re-submit the fee waiver request on the basis of receipt of “means tested benefit”. Speak to your Her Justice mentor about how to do this.

### **Can the receipt notice help me keep track of the progress of the case?**

- Use the receipt number on the notice to create an electronic account on the USCIS website ([www.uscis.gov](http://www.uscis.gov)). That way, you will receive an email any time USCIS takes any action on the case. If there were multiple applications filed, be sure to input the receipt numbers for all receipt notices.
- You can also periodically check on the status of the case by going to the USCIS website and clicking on “Check Case Status” using the receipt number.
- If you need to make a status inquiry with USCIS about the case through the Contact Center, the receipt number will be required.
- Note that some applications are covered by the Violence Against Women Act (VAWA) Confidentiality provisions (e.g., I-918 Petition for U Nonimmigrant Status, I-360 Self-Petition for Battered Spouse). Information about the status of those cases will not show up on the USCIS website or be accessible through the USCIS Contact Center. Speak to your Her Justice mentor about how to obtain information about the status of those cases.

### **How long will it take to get a decision on the case?**

- Find out **how long the case will take to be adjudicated** (on average) by going to the USCIS website ([www.uscis.gov](http://www.uscis.gov)) and clicking on “Check Processing Times”. The drop-down menu will ask you to input the application form number (e.g., I-360, I-918, etc.) and the USCIS office where you sent the filing (e.g., Vermont Service Center, Texas Service Center).
  - You will see a time range for the average case processing time for that application.
  - If your receipt date is before the “Receipt date for a case inquiry”, you can submit an “outside normal processing time” service request. Speak to your Her Justice mentor about how to do this.

### **What will happen after the receipt notice is issued?**

- It depends on the type of case. Most cases require that the client and any derivative beneficiaries (e.g., children) who are age 14 or older and are present in the U.S. attend a “**Biometrics**” appointment to take fingerprints and photographs. This appointment will take place at a USCIS office called an “**Application Support Center**” (ASC). The location of the ASC will be determined based on the address listed for the client in the application.
- The Biometrics Appointment Notice will be sent on form I-797C Notice of Action. An “Application Information Worksheet” (AIW) will also be sent. Please assist your client in filling out the AIW before they attend the biometrics appointment.



- It is important that the client and derivative beneficiaries attend this appointment promptly. A lawyer does not need to attend with the client.
- The client should bring valid, government-issued identification and an original Biometrics scheduling notice, along with the completed AIW.
- If the client/derivatives cannot attend at the required time, it may be possible to appear at the ASC a few days before or after the appointment and ask for biometrics to be done at that time. If it is necessary to reschedule the appointment, please follow the directions on the Biometrics appointment notice.

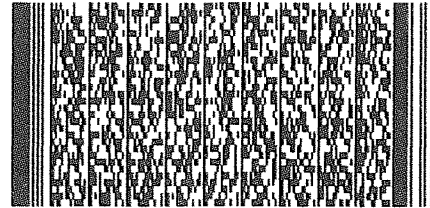
### **What is a Prima Facie Determination Notice?**

- For **I-360 VAWA Self-Petitions**, USCIS may issue a "Prima Facie Determination" notice about two months after the case is filed. This notice means that USCIS has determined that the petitioner meets the general requirements "at first review". The notice does not guarantee any particular outcome in the case. USCIS could still issue a "Request for Evidence" (RFE) or deny the case.
- When the notice arrives, notify your client and ask if she is interested in applying for public assistance benefits. If so, please notify your Her Justice mentor for further assistance.

**THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.**

<b>ASC Appointment Notice</b>		APPLICATION/PETITION/REQUEST NUMBER EAC [REDACTED]		NOTICE DATE 04/09/2016
CASE TYPE I485 - APPLICATION TO REGISTER PERMANENT RESIDENCE OR ADJUST STATUS		SOCIAL SECURITY NUMBER	USCIS A# A [REDACTED]	CODE 3
ACCOUNT NUMBER		TCR	SERVICE CENTER VSC	PAGE 1 of 1

[REDACTED]  
c/o SUSANNA SAUL  
HER JUSTICE  
100 BROADWAY FLR 10  
NEW YORK NY 10005



To process your application, petition, or request, the U. S. Citizenship & Immigration Services (USCIS) must capture your biometrics.  
**PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE DATE AND TIME SPECIFIED.**  
**IF YOU FAIL TO APPEAR AS SCHEDULED, YOUR APPLICATION, PETITION, OR REQUEST WILL BE CONSIDERED ABANDONED.**

**APPLICATION SUPPORT CENTER**  
USCIS MANHATTAN  
201 Varick St, Ste 1023 W Houston St Entrance  
New York NY 10014

**PLEASE READ THIS ENTIRE NOTICE CAREFULLY.**  
**DATE AND TIME OF APPOINTMENT**  
04/26/2016  
08:00AM

**WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR BIOMETRICS TAKEN, YOU MUST BRING:**

- 1. THIS APPOINTMENT NOTICE** and
- 2. PHOTO IDENTIFICATION.** Naturalization applicants must bring their Alien Resident Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, you will not be fingerprinted.

**CELL PHONES, CAMERAS, OR OTHER RECORDING DEVICES ARE NOT PERMITTED.**

**NOTE:** USCIS will use your fingerprints to check the criminal history records of the FBI. You may obtain a copy of your own FBI identification record using the procedures outlined within Title 28 C.F.R., Section 16.32. The procedures to change, correct, or update your FBI identification record are outlined within Title 28, C.F.R., Section 16.34.

**NOTE:** If the USCIS ASC is closed due to inclement weather or for other unforeseen circumstances, USCIS will automatically reschedule your appointment for the next available appointment date and mail you a notice with the new date and time.

**REQUEST FOR RESCHEDULING**

☐ **Please reschedule my appointment.** Once USCIS receives your request, you will be sent a new appointment notice. Make a copy of this notice for your records, then mail the original with your request to BPU, Alexandria ASC, Suite 100, 8850 Richmond Hwy, Alexandria, VA 22309-1586

APPLICATION NUMBER  
I485 - [REDACTED]



If you have any questions regarding this notice, please call 1-800-375-5283.

**WARNING:** Due to limited seating availability in our lobby area, only persons who are necessary to assist with transportation or completing the biometrics worksheet should accompany you. If you have open wounds or bandages/casts when you appear, the USCIS may reschedule your appointment if it is determined your injuries will interfere with taking your biometrics.

If you are visiting a field office and need directions, including public transportation directions, please see [www.uscis.gov/fieldoffices](http://www.uscis.gov/fieldoffices) for more information.

### Notice for Customers with Disabilities

USCIS is committed to providing customers with disabilities the same level of access to its programs and activities that customers without disabilities have (see the USCIS Web site for an explanation and examples of accommodations). If you need an accommodation for your appointment due to a disability that affects your access to a USCIS program or activity OR if a disability prevents you from going to the designated USCIS location for your appointment, please call the National Customer Service Center (NCSC) at 1-800-375-5283 (TTY: 1-800-767-1833) to request an accommodation.

**Call the NCSC even if you indicated on your application or petition that you require an accommodation. Also, you must contact the NCSC to request an accommodation each time you have an appointment with USCIS.** For example, you must call the NCSC to request an accommodation for your biometrics appointment and again for an accommodation for your interview appointment.

**NOTICE:** All domestic USCIS offices are accessible to individuals with physical disabilities. You do not need to request an accommodation if your **ONLY** need is an accommodation that would enable or facilitate you having physical access to a domestic USCIS office.

**NOTE:** Naturalization applicants should **not** call the NCSC to request an exception from the English and/or civics testing requirement. You **must** submit Form N-648, Medical Certification for Disability Exceptions to request an exception. See the form instructions for additional information.

**THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.**

**Important Information for Your Biometric Services Appointment**

You have been scheduled for a biometric services appointment at an Application Support Center (ASC). Please note the following:

- Application Support Centers (ASC) offer biometrics collection services by appointment.
- You must have a scheduled appointment before arriving at an ASC.
- Your notice will provide specific instructions on what you should bring to your ASC appointment. You must also bring:
  - your printed ASC appointment notice (Form I-797C).
  - valid photo identification (such as your Green Card, passport, or driver's license)
  - the completed Applicant Information Worksheet (AIW) below
- If you received multiple biometrics appointment notices, please bring all notices to your appointment:
  - Interpreters, attorneys or those providing needed assistance if you are disabled are permitted to accompany you.
  - Family groups may appear together, even if they are scheduled for a different day.
  - Military members may appear without an appointment.
- If you arrive more than 15 minutes before your appointment, you may be asked to wait until your appointment time to be processed.
- On the day of your appointment, please check for office closures or delays here: [www.uscis.gov/about-us/uscis-office-closings](http://www.uscis.gov/about-us/uscis-office-closings)
- For more information for visiting USCIS facilities, please visit: [www.uscis.gov/about-us/uscis-visitor-policy](http://www.uscis.gov/about-us/uscis-visitor-policy)
- ASCs do not provide information services or case services relating to the status of applications. To track the status of an immigration application, petition, or request, visit: <https://egov.uscis.gov/casestatus/landing.do>

**APPLICANT'S INFORMATION WORKSHEET (AIW)**

NAME:

FIRST

MIDDLE

LAST

LIST ANY OTHER NAMES USED (MAIDEN NAME, PREVIOUS MARRIAGE, ALIAS, ETC.):

1)

FIRST

MIDDLE

LAST

2)

FIRST

MIDDLE

LAST

DATE OF BIRTH:

MONTH

DAY

YEAR

COUNTRY OF BIRTH:

COUNTRY OF CITIZENSHIP:

GENDER: (CHECK ONE)

- ☐ MALE  
☐ FEMALE  
☐ OTHER

RACE: (CHECK ONE)

- ☐ ASIAN  
☐ BLACK  
☐ CAUCASIAN/LATINO

- ☐ NATIVE AMERICAN  
☐ UNKNOWN

EYE COLOR: (CHECK ONE)

- ☐ BLACK  
☐ BLUE  
☐ BROWN  
☐ GRAY  
☐ GREEN

- ☐ HAZEL  
☐ MAROON  
☐ MULTICOLOR  
☐ PINK  
☐ UNKNOWN

HAIR COLOR: (CHECK ONE)

- ☐ BALD  
☐ BLACK  
☐ BLOND OR STRAWBERRY  
☐ BLUE  
☐ BROWN  
☐ GRAY  
☐ GREEN

- ☐ ORANGE  
☐ PINK  
☐ PURPLE  
☐ RED OR AUBURN  
☐ SANDY  
☐ WHITE  
☐ UNKNOWN

HEIGHT:

OR

FEET/INCHES

CENTIMETERS

WEIGHT:

OR

POUNDS

KILOGRAMS

When you provide your digital signature, you will be attesting to the following:

*I declare under penalty of perjury that I have reviewed and understand the document(s) identified by the receipt number displayed on the screen above, and that all the information in these materials is complete, true, and correct. This includes any:*

- application, petition, or request that I submitted;
- application, petition, or request that I provided on behalf of my derivative beneficiary;
- application, petition, or request that was submitted on my behalf; and
- supporting documents, applications, petitions, or requests filed with my application, petition, or request that I (or my attorney or accredited representative) filed with USCIS, or that was filed on my behalf.

**RETURN "AIW" TO APPLICANT**



U.S. Citizenship  
and Immigration  
Services

October 4, 2016

PM-602-0032.2

## Policy Memorandum

SUBJECT: Extension of Status for T and U Nonimmigrants (Corrected and Reissued)

### Purpose

This policy memorandum (PM) provides guidance about extensions of status for T and U nonimmigrants, including any related Forms I-485, Application to Register Permanent Residence or Adjust Status. This PM rescinds and replaces PM 602-0032.1, as discussed below. This PM revises chapters 39.1 and 39.2 of the Adjudicator's Field Manual (AFM).

PM 602-0032.1 contained information relating to a derivative T nonimmigrant's ability to adjust status to a lawful permanent resident (LPR). Under the superseded PM, a derivative T nonimmigrant could not adjust status after the principal had adjusted status and had become an LPR. USCIS reasoned that because the derivative family member's nonimmigrant status was derived from the principal, upon the principal's adjustment of status, the derivative would no longer maintain derivative T nonimmigrant status and therefore would be ineligible for adjustment of status. This meant that the derivative would have to adjust at the same time as the principal in order to preserve the eligibility to adjust status. USCIS noted statutory differences with the U nonimmigrant program, which requires derivative U nonimmigrants to meet their own physical presence requirement. No similar physical presence requirement applies to adjustment of status for derivative T nonimmigrants.

USCIS has reconsidered this interpretation of the T derivative adjustment of status provision and has edited the policy below accordingly. While applicable regulations require that a derivative T nonimmigrant must hold T nonimmigrant status at the time of filing Form I-485, the revised policy states that the derivative will not lose his or her derivative T nonimmigrant status when the principal adjusts status and becomes an LPR. Note that family members who have not previously entered or resided in the United States as derivative T nonimmigrants must be initially admitted in T nonimmigrant status before the T principal adjusts status. A derivative T nonimmigrant is eligible for adjustment of status if: (a) the principal has applied for and meets the eligibility requirements for adjustment of status under 8 CFR 245.23; and (b) the derivative was admitted in T nonimmigrant status and continues to hold such status at the time of the principal's application for adjustment of status. 8 CFR 245.23(b)(1) and (2).

Applicants may file a motion to reopen a derivative T nonimmigrant's Form I-485 if USCIS denied the application solely because the principal had already adjusted status. Applicants should file a Form I-290B, Notice of Appeal or Motion, and include a copy of the previous denial.

## **Scope**

Unless specifically exempted herein, this PM applies to and is binding on all USCIS employees.

## **Authorities**

- Victims of Trafficking and Violence Protection Act of 2000 (VTVPA), div. A; Trafficking Victims Protection Act of 2000 (TVPA), div. B; Violence Against Women Act of 2000 (VAWA 2000), Public Law No. 106-386, 114 Stat. 1464 (2000).
- Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA 2003), Public Law No. 108-193, 117 Stat. 2875 (2003).
- Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005), Public Law No. 109-162, 119 Stat. 2960 (2006).
- Violence Against Women and Department of Justice Reauthorization Act – Technical Amendments, Public Law No. 109-271, 120 Stat. 750 (2006).
- William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA 2008), Public Law No. 110-457, 122 Stat. 5044 (2008).

## **Background**

### *T Nonimmigrant Status*

On January 31, 2002, USCIS published an interim rule codified at 8 CFR 214.11, “New Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for ‘T’ Nonimmigrant Status,” implementing the T nonimmigrant status created by the TVPA. This regulation contained brief information on adjustment of status and required a T nonimmigrant to file for adjustment of status within the 90 days immediately preceding the third anniversary of the approval of T nonimmigrant status. 8 CFR 214.11(p)(2) (2002). The regulation also stated that proper filing of Form I-485 would allow the applicant to remain in T nonimmigrant status, with all the rights and privileges of a T nonimmigrant, until a final decision is rendered on the application.

On January 5, 2006, the President signed VAWA 2005, lengthening the duration of status for a T nonimmigrant from three years to four years. Immigration and Nationality Act (INA) § 214(o)(7)(A). It also created an extension of T nonimmigrant status beyond the four years based on a certification from a law enforcement official that the T nonimmigrant’s presence was necessary to assist in the investigation or prosecution of the acts of trafficking. INA § 214(o)(7)(B).

On December 12, 2008, USCIS published an interim rule, “Adjustment of Status to Lawful Permanent Resident for Aliens in T or U Nonimmigrant Status,” implementing the adjustment of status provisions for T nonimmigrants at 8 CFR 245.23. Significant points of this rule, which became effective on January 12, 2009, include:

- To be eligible to file for adjustment of status, an alien must have been lawfully admitted as a T nonimmigrant and continue to hold that status at the time of the application for adjustment of status. However, T nonimmigrants who had already accrued four years in T nonimmigrant

status remained eligible for adjustment of status as long as they filed a complete application for adjustment of status before April 13, 2009. 8 CFR 245.23(a)(2)(ii).

- The failure to apply for adjustment of status in accordance with 8 CFR 245.23 will result in termination of T nonimmigrant status at the end of the four-year period unless T nonimmigrant status has been extended. 8 CFR 214.11(p)(2).
- A derivative T nonimmigrant is eligible for adjustment of status only if the principal is also eligible, and may file only concurrently with the principal T nonimmigrant or after the principal T nonimmigrant has filed for adjustment of status. 8 CFR 245.23(b)(1).
- The denial of a principal T nonimmigrant's application for adjustment of status will result in denial of the derivative T nonimmigrant's application for adjustment of status, including any adjustment application filed by a derivative after the denial of the principal's application for adjustment of status.

On December 23, 2008, the President signed the TVPRA 2008, which in section 201 amended the eligibility requirements for T nonimmigrant status at INA § 101(a)(15)(T), nonimmigrant duration of status and extension provisions at INA § 214(o), and adjustment of status requirements at INA § 245(l). Amended INA § 214(o)(7) now provides that T nonimmigrant status *may* be extended if:

- A Federal, State, or local law enforcement official, prosecutor, judge, or other authority investigating or prosecuting activity relating to human trafficking certifies that the presence of the T nonimmigrant in the United States is necessary to assist in the investigation or prosecution of acts of trafficking; or
- USCIS determines that an extension of the period of T nonimmigrant status is warranted due to exceptional circumstances.

Amended INA § 214(o)(7) now provides that USCIS *must* extend T nonimmigrant status while a Form I-485 under INA § 245(l) is pending.

### *U Nonimmigrant Status*

On September 17, 2007, USCIS published an interim rule codified at 8 CFR 214.14, "New Classification for Victims of Criminal Activity; Eligibility for 'U' Nonimmigrant Status," implementing the U nonimmigrant status created by VAWA 2000. Title 8 CFR 214.14(g) provides that U nonimmigrant status may be approved for a period not to exceed four years in the aggregate. USCIS may grant the derivative the extra time needed to make his or her period in the United States equal four full years. 8 CFR 214.14(g)(2)(i) provides extensions of U nonimmigrant status if:

- The U nonimmigrant's initial period of stay is less than four years; or

- A qualifying family member is unable to enter the United States timely due to delays in consular processing, in which case the family member's status may be extended beyond the expiration of the principal nonimmigrant's status to ensure the family member will accrue at least three years in U nonimmigrant status for purposes of adjusting status (see PM 602-0001).

8 CFR 214.14(g)(2)(ii) provides extensions of U nonimmigrant status beyond the statutorily permissible four-year period if the certifying official on the U nonimmigrant petition attests that the nonimmigrant's presence in the United States continues to be necessary to assist in the investigation or prosecution of the qualifying criminal activity.

On December 12, 2008, USCIS published an interim rule, "Adjustment of Status to Lawful Permanent Resident for Aliens in T or U Nonimmigrant Status," implementing the adjustment of status provisions for U nonimmigrants at 8 CFR 245.24. This rule became effective on January 12, 2009. As per 8 CFR 245.24(b)(2), to be eligible to file for adjustment of status, an alien must:

- Have been lawfully admitted as a U nonimmigrant and continue to hold that status at the time of application for adjustment of status; or
- Have accrued at least four years in U interim relief status and file a complete adjustment application within 120 days of the date of approval of the U nonimmigrant petition.

Under the adjustment regulations, a derivative U nonimmigrant can adjust status at any time he or she meets the requirements to adjust status at 8 CFR 245.24. The adjustment of status of a derivative U nonimmigrant is not tied to the principal, so derivative U nonimmigrants can adjust status as long as they meet the adjustment requirements at the time of filing. Specifically, derivative U nonimmigrants must have three years of continuous physical presence in the United States and be in U nonimmigrant status at the time of filing. A derivative U nonimmigrant may need to request an extension of derivative status to accrue sufficient continuous physical presence in derivative U nonimmigrant status before applying for adjustment of status.

The TVPRA 2008 became effective on December 23, 2008. Section 201 of the TVPRA 2008 amended the duration of status and extension provisions at INA § 214(p). Amended INA § 214(p)(6) now provides that U nonimmigrant status *may* be extended if the Secretary of Homeland Security determines that an extension of such period is warranted due to exceptional circumstances.

Amended INA § 214(p)(6) now provides that USCIS *must* extend U nonimmigrant status in *any* of the following circumstances:

- A Federal, State, or local law enforcement official, prosecutor, judge, or other Federal, State, or local authority investigating or prosecuting criminal activity described in INA § 101(a)(15)(U)(iii) certifies that the alien's presence in the United States is required to assist in the investigation or prosecution of such criminal activity; or



- When an application for adjustment of status under INA § 245(m) is pending.

## **Policy**

### *T Nonimmigrants*

Due to the complex changes to the statutory and regulatory requirements for T nonimmigrant status and related adjustment of status applications, this section on T nonimmigrants is divided into four groups with specific instructions for those applications that fall within each group.

The following information applies to T nonimmigrants afforded an extension of status during the pendency of an application for adjustment of status under INA § 245(l):

- To receive an extension of T nonimmigrant status based on the filing of an application for adjustment of status, the T nonimmigrant must file Form I-485 in accordance with the form instructions. If the T nonimmigrant files the Form I-485 while still in valid T nonimmigrant status, there is no need to file the Form I-539, Application to Extend/Change Nonimmigrant Status.
- All Forms I-485 will be adjudicated according to the T adjustment regulation at 8 CFR 245.23.
- When a T nonimmigrant properly files for adjustment of status, USCIS will issue two new Forms I-797, Notice of Action: a receipt notice for the application for adjustment of status, and a notice of extension of the T nonimmigrant status.
- The extension of T nonimmigrant status will be valid until a decision is rendered on the pending Form I-485 and, during that time, the applicant will continue in valid T nonimmigrant status with all the associated rights, privileges, and responsibilities.
- While the Form I-485 is pending, the applicant is authorized to work. The Form I-797, Notice of Action that indicates an extension of status can be used for verifying the employment authorization of individuals on a Form I-9, Employment Eligibility Verification for one year from the expiration date of the applicant's previous period of T nonimmigrant status, unless the Form I-485 is denied or withdrawn, whichever is earlier. The applicant may also apply for an employment authorization document (EAD) by filing Form I-765, Application for Employment Authorization. An applicant may file Form I-765 concurrently with Form I-485. Any EAD, including renewals, will be issued using the (c)(9) eligibility code.

Derivative T nonimmigrants who properly file Form I-485 will be issued two new Forms I-797, as described above. Derivative T nonimmigrant status will not be extended based on the principal T nonimmigrant's pending Form I-485. A derivative T nonimmigrant's status will be automatically extended when the derivative properly files for adjustment of status.

The following information applies to T nonimmigrants seeking an extension of status based on law enforcement need or exceptional circumstances:

- To request an extension of T nonimmigrant status based on law enforcement need or exceptional circumstances, the T nonimmigrant must file Form I-539, Application to Extend/Change Nonimmigrant Status, along with supporting evidence, in accordance with the form instructions.
- For derivative T nonimmigrant family member extension of status requests, follow the instructions for Form I-539. Derivative family members who have not previously entered or resided in the United States as T nonimmigrants cannot receive an extension of status. Instead, USCIS may issue an amended approval notice with updated validity dates.
- The Form I-539 should be filed before the T nonimmigrant status expires but no more than 90 days before expiration. However, if the T nonimmigrant can explain in writing why he or she is filing the Form I-539 after the T nonimmigrant status has expired, USCIS has discretion to grant, on a case-by-case basis, an extension based on an untimely filed Form I-539.
- When a T nonimmigrant properly files a Form I-539, USCIS will issue two new Forms I-797, Notice of Action: a receipt notice for Form I-539 and, if the Form I-539 is approved, a notice of extension of the T nonimmigrant status.
- The extension of T nonimmigrant status based on law enforcement need or exceptional circumstances will be valid for one year from the date the T nonimmigrant status ends. In the case of a Form I-539 untimely filed after T nonimmigrant status has expired, the extension will be valid from the date the previous status expired and for one year from approval of the extension. During that period, the applicant will continue in valid T nonimmigrant status with all the associated rights, privileges, and responsibilities.
- Any EAD (including renewals) will be issued using the (a)(16) eligibility code for principals and (c)(25) eligibility code for derivatives. An applicant may file Form I-765 concurrently with Form I-539.

**Group 1: Applicant Filed for Adjustment of Status While in T Nonimmigrant Status**

Under the T nonimmigrant regulations that were in effect before the adjustment regulations, a proper filing for adjustment of status must have been made within the 90 days preceding the third anniversary of the approval of the T nonimmigrant status. 8 CFR 214.11(p)(2) (2002). Those T nonimmigrants who properly filed for adjustment of status in accordance with the previous regulations, even though they had accrued less than three years in T nonimmigrant status, will have the Form I-485 adjudicated. Based on the proper filing made under old 8 CFR 214.11(p)(2), these applicants are considered to continue in T nonimmigrant status until a final decision is made on the application for adjustment of status. Because these T nonimmigrants filed their adjustment of status applications prior to the promulgation of the T adjustment regulations, adjudicators may need to send a Request For Evidence to request evidence required by the adjustment regulation. 8 CFR 245.23(e)

Apart from those T nonimmigrants who filed in accordance with the filing instructions in the previous version of 8 CFR 214.11(p)(2) (2002), USCIS will not accept early filings for adjustment of status from principal T nonimmigrants with less than three years in T nonimmigrant status (except for those adjustment of status applications based on the exception at 8 CFR 245.23(a)(3) allowing for filing before three years in T nonimmigrant status because an investigation or prosecution is complete). Any Form I-485 filed before the principal T nonimmigrant accrues three years in T nonimmigrant status (other than the exception) will be rejected as untimely filed.

**Group 2: Applicant Filed for Adjustment of Status After T Nonimmigrant Status Expired but Before April 13, 2009**

The adjustment regulation allowed those applicants with expired T nonimmigrant status to file for adjustment of status by April 13, 2009 (90 days from the effective date of the T adjustment regulation). 8 CFR 245.23(a)(2)(ii).

Those applicants in Group 2 with expired T nonimmigrant status who properly filed a Form I-485 *before* April 13, 2009, are considered to continue in T nonimmigrant status until a final decision is made on the adjustment of status application.

**Group 3: Applicant's T Nonimmigrant Status Expired and Applicant Failed to File for Adjustment of Status Before April 13, 2009**

Those T nonimmigrants whose status has expired but who did not file for adjustment of status before April 13, 2009, should not have their T nonimmigrant status extended, unless they request an extension based on law enforcement need or exceptional circumstances. See INA § 214(o)(7)(B)(i) and (iii). One of these extensions is necessary for the T nonimmigrant, whose status has expired, to be eligible to file for adjustment of status.

As outlined above, to request either of these extensions, the T nonimmigrant files Form I-539 along with supporting evidence. The nonimmigrant bears the burden of establishing eligibility for an extension. To establish law enforcement need, supporting evidence may include a new Form I-914 Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons, or other evidence from law enforcement explaining that the applicant's presence is necessary, and any other credible evidence. To establish exceptional circumstances, supporting evidence may include an applicant's affirmative statement or any other credible evidence. The T nonimmigrant should explain in writing why he or she is filing the Form I-539 after the T nonimmigrant status has expired. USCIS will exercise its discretion to grant or deny an untimely filed extension request based upon the justification for the untimely filing in the specific circumstances of the case. If USCIS grants an extension of T nonimmigrant status, USCIS will issue a new Form I-797 extension notice valid from the date the previous status expired and for one year from approval of the extension. Once an applicant receives this new Form I-797, he or she may then file Form I-485 to adjust status to LPR before the expiration of the extension.

One example of possible exceptional circumstances is when a principal T nonimmigrant's status has expired and the approved derivative did not receive a T visa from a U.S. consulate to enter

the United States before the expiration of the principal's T nonimmigrant status. In the evidence submitted to establish exceptional circumstances, the principal should explain what exceptional circumstances prevented the derivative(s) from entering the United States. Once the extension is granted and the derivative(s) enter the United States, the principal and derivative T nonimmigrants can file for adjustment of status.

#### **Group 4: Derivative Family Members**

Once a principal T nonimmigrant is no longer a T nonimmigrant, whether through adjustment of status to lawful permanent residence or through expiration of the T nonimmigrant status, any derivative T nonimmigrants may no longer be eligible for initial admission into the United States on a T visa.

To be eligible to apply for adjustment of status, a derivative T nonimmigrant must continue to hold T nonimmigrant status at the time of filing the application for adjustment of status. 8 CFR 245.23(b)(2). For ease of processing, derivative T nonimmigrants are encouraged, but are not required, to file for adjustment of status concurrently with the principal T nonimmigrant. A derivative T nonimmigrant's status will be automatically extended when the derivative properly files for adjustment of status.

Where the approved derivative of a principal T nonimmigrant is awaiting initial issuance of a T visa by a consulate and the principal's nonimmigrant status is soon to expire, the principal is strongly encouraged to seek an extension of status based on exceptional circumstances, following the instructions to the Form I-539, and then wait for the derivatives to enter the United States before applying for adjustment of status. This step will prevent the derivative from being ineligible for initial admission to the United States on a derivative T visa due to the expiration of the principal's T nonimmigrant status.

#### **U Nonimmigrants**

The following information applies to U nonimmigrants afforded an extension of status during the pendency of an application for adjustment of status under INA § 245(m):

- To receive an extension of U nonimmigrant status based on the filing of an application for adjustment of status, the U nonimmigrant must file Form I-485, Application to Register Permanent Residence or Adjust Status, in accordance with the form instructions. If the U nonimmigrant files the Form I-485 while still in valid U nonimmigrant status, there is no need to file Form I-539, Application to Extend/Change Nonimmigrant Status.
- All adjustment of status applications will be adjudicated according to the U adjustment regulation at 8 CFR 245.24.
- When a U nonimmigrant properly files for adjustment of status, USCIS will issue two Forms I-797, Notice of Action: a receipt notice for the adjustment of status application and a notice of extension of the U nonimmigrant status.

- The extension of U nonimmigrant status will be valid until a decision is rendered on the pending Form I-485 and, during that time, the applicant will continue in valid U nonimmigrant status with all the associated rights, privileges, and responsibilities.
- While the Form I-485 is pending, the applicant is authorized to work. The Form I-797, Notice of Action that indicates an extension of status can be used to verify the employment authorization of individuals on a Form I-9 for one year from the expiration date of the applicant's previous period of U nonimmigrant status, unless the Form I-485 is denied or withdrawn, whichever is earlier. The applicant may also apply for an employment authorization document (EAD) by filing Form I-765. An applicant may file Form I-765 concurrently with Form I-485. Any EAD (including renewals) will be issued using the (c)(9) eligibility code.

Derivative U nonimmigrants who properly file an adjustment of status application will be issued two Forms I-797, as described above. Derivative U nonimmigrant status will not be extended based on the principal U nonimmigrant's pending Form I-485. A derivative U nonimmigrant's status will be automatically extended when the derivative properly files for adjustment of status.

To be eligible to file for adjustment of status, a U nonimmigrant must be in valid U nonimmigrant status and may therefore require an extension of U nonimmigrant status. The INA allows for an extension of U nonimmigrant status based on law enforcement need or upon a determination that the extension is warranted due to exceptional circumstances. INA § 214(p)(6). When an approved principal U nonimmigrant is awaiting issuance of a U visa by a consulate, the principal can seek an extension of status based on exceptional circumstances. The following information applies to U nonimmigrants seeking an extension of status based on law enforcement need or exceptional circumstances:

- To request an extension of U nonimmigrant status based on law enforcement need or exceptional circumstances, the U nonimmigrant must file Form I-539, Application to Extend/Change Nonimmigrant Status, along with supporting evidence, in accordance with the form instructions.
- For derivative U nonimmigrant family member extension of status requests, follow the instructions to Form I-539. Derivative family members who have not previously entered or resided in the United States as U nonimmigrants cannot receive an extension of status. Instead, USCIS may issue an amended approval notice with updated validity dates.
- The Form I-539 should be filed before the U nonimmigrant status expires but no more than 90 days before expiration. However, if the U nonimmigrant can explain in writing why he or she is filing the Form I-539 after the U nonimmigrant status has expired, USCIS has discretion to grant, on a case-by-case basis, an extension based upon an untimely filed Form I-539.
- When a U nonimmigrant properly files a Form I-539, USCIS will issue two Forms I-797, Notice of Action: a receipt notice for the Form I-539 and, if the Form I-539 is approved, a notice of extension of the U nonimmigrant status.

- The extension of U nonimmigrant status based on law enforcement need or exceptional circumstances will be valid for one year from the date the U nonimmigrant status ends. In the case of an untimely Form I-539 filed after U nonimmigrant status has expired, the extension will be valid from the date the previous status expired and for one year from approval of the extension. During such period, the applicant will continue in valid U nonimmigrant status with all the associated rights, privileges, and responsibilities.
- Any EAD (including renewals) will be issued using the (a)(19) eligibility code for principals and (a)(20) eligibility code for derivatives. An applicant may file Form I-765 concurrently with Form I-539.

The nonimmigrant bears the burden of establishing eligibility for an extension. In the case of law enforcement need, supporting evidence includes a new Form I-918 Supplement B, U Nonimmigrant Status Certification, or other evidence from law enforcement explaining that the applicant's presence is necessary, as well as any other credible evidence. In the case of exceptional circumstances, supporting evidence may include an affirmative statement or any other credible evidence to establish exceptional circumstances.

#### *U Nonimmigrant Derivative Family Members*

Once a principal U nonimmigrant is no longer a U nonimmigrant, whether through adjustment of status or through expiration of the U nonimmigrant status, any derivative U nonimmigrants may no longer be eligible for initial admission into the United States on a U visa. After admission into the United States as a derivative U nonimmigrant, derivative status may be extended beyond the expiration of the principal U nonimmigrant's status to ensure the derivative will accrue at least three years in U nonimmigrant status for purposes of adjusting status under INA § 245(m). See PM 602-0001.

To be eligible to apply for adjustment of status, a derivative U nonimmigrant must continue to hold U nonimmigrant status at the time of filing the Form I-485. 8 CFR 245.24(b)(2). A derivative U nonimmigrant's status will be automatically extended when the derivative properly files for adjustment of status under INA § 245(m).

Where the approved derivative of a principal U nonimmigrant is awaiting initial issuance of a U visa by a consulate and the principal's nonimmigrant status is soon to expire, the principal is strongly encouraged to seek an extension of status based on exceptional circumstances, following the instructions to Form I-539, and then wait for the derivatives to enter the United States before applying for adjustment of status. This step will prevent the derivative from being ineligible for initial admission to the United States on a derivative U visa due to the expiration of the principal's U nonimmigrant status. Alternatively, the principal U nonimmigrant can file Form I-929, Petition for Qualifying Family Member of a U-1 Nonimmigrant, concurrently or after approval of the principal's Form I-485, for certain derivative family members who have never held derivative U nonimmigrant status. After approval of the Form I-929, the derivative can apply for a visa at a U.S. consulate to enter the United States as an LPR.

## Implementation

Chapters 39.1 and 39.2 of the Adjudicator's Field Manual (AFM) are revised as follows:

- ☞ 1. The title of Chapter 39.1 and paragraph (g) of chapter 39.1 of the AFM are revised to read:

### **CHAPTER 39.1 U Nonimmigrants**

\* \* \* \* \*

#### **(g) Duration of U Nonimmigrant Status.**

\* \* \* \* \*

#### **(2) Extension of Status.**

(A) USCIS will extend U nonimmigrant status in the following two circumstances:

- If the law enforcement official investigating or prosecuting the criminal activity described in INA § 101(a)(15)(U)(iii) certifies that the presence of the U nonimmigrant is necessary to assist in the investigation or prosecution.
- During the time that Form I-485, Application to Register Permanent Residence or Adjust Status under section 245(m) of the INA is pending. INA § 214(p)(6).

(B) In its discretion, USCIS may extend U nonimmigrant status if USCIS determines that an extension of the period of nonimmigrant status is warranted due to exceptional circumstances. INA § 214(p)(6).

#### **(3) Procedures for Extension of Status.**

(A) Filing.

- The extension of status based on the pendency of an application for adjustment of status is automatic when the applicant files Form I-485.
- To request an extension of status based on law enforcement need or exceptional circumstances, the applicant must file Form I 539, Application to Extend/Change Nonimmigrant Status.
- The Form I-539 should be filed no more than 90 days before U nonimmigrant status expires. However, if the U nonimmigrant can explain in writing why he or she is filing the Form I-539 after U nonimmigrant status has expired, USCIS has discretion to grant an extension based

upon on an untimely filed Form I-539 on a case-by-case basis.

(B) Documentation.

- In general, when granting an extension of status, USCIS will issue a Form I-797, Notice of Action.
- The applicant continues in valid U nonimmigrant status with all the rights, privileges, and responsibilities provided to a U nonimmigrant.
- Extensions of status based on a pending Form I-485 will be valid until USCIS makes a final decision on the Form I-485.
- Extensions of status based on law enforcement need or exceptional circumstances will be valid for a period of one year beginning on the date U nonimmigrant status ends. In the case of a Form I-539 that is untimely filed after U nonimmigrant status has expired, the extension will be valid from the date the previous status expired and for one year from approval of the extension. Thus, the total length of the extension will be greater than one year if an untimely filed Form I-539 is approved.
- Any employment authorization document (EAD) issued in connection with a pending Form I-485 will be issued using the (c)(9) eligibility code.
- Any EAD issued in connection with an approved Form I-539 will be issued using the (a)(19) or (a)(20) eligibility code, as applicable.
- Derivatives who have been granted an extension of status will also be issued a Form I-797 by regular mail.

(C) Supporting evidence.

- If seeking an extension of status due to a law enforcement need, an applicant must submit evidence demonstrating law enforcement need, such as a new Form I-918 Supplement B, U Nonimmigrant Status Certification, or other evidence from law enforcement explaining that the applicant's presence is necessary to assist in the investigation or prosecution of the qualifying criminal activity, and any other credible evidence.
- If seeking an extension of status due to exceptional circumstances, an applicant must submit evidence demonstrating exceptional circumstances, such as an affirmative statement or any other credible evidence.

\* \* \* \* \*



- ☞ 2. The title of chapter 39.2 and paragraph (g) of chapter 39.2 of the *AFM* is revised to read:

### **Chapter 39.2 T Nonimmigrants**

\* \* \* \* \*

#### **(g) Duration of T Nonimmigrant Status.**

(1) [Reserved].

(2) Extension of Status.

(A) USCIS will extend T nonimmigrant status during the pendency of Form I-485, Application to Register Permanent Residence or Adjust Status under section 245(l) of the INA. INA § 214(o)(7)(C).

(B) In its discretion, USCIS may extend T nonimmigrant status in the following circumstances:

- If the law enforcement official investigating or prosecuting the activity related to human trafficking certifies that the presence of the T nonimmigrant is necessary to assist in the investigation or prosecution.
- If USCIS determines that an extension of the period of nonimmigrant status is warranted due to exceptional circumstances. INA § 214(o)(7)(B).

#### **(3) Procedures for Extension of Status.**

(A) Filing.

- The extension of status based on a pending Form I-485 is automatic when the applicant files Form I-485.
- To request an extension of status based on law enforcement need or exceptional circumstances, the applicant must file Form I 539, Application to Extend/Change Nonimmigrant Status.
- The Form I-539 should be filed no more than 90 days before T nonimmigrant status expires. However, if the T nonimmigrant can explain in writing why he or she is filing the Form I-539 after T nonimmigrant status has expired, USCIS has discretion to grant an extension based on an untimely filed Form I-539 on a case-by-case basis.

(B) Documentation.

- In general, when granting an extension of status, USCIS will issue a Form I-797, Notice of Action.
- The applicant continues in valid T nonimmigrant status with all the rights, privileges, and responsibilities provided to a T nonimmigrant.
- Extensions of status based on a pending Form I-485 will be valid until USCIS makes a final decision on the Form I-485.
- Extensions of status based on exceptional circumstances or a law enforcement need will be valid for a period of one year beginning on the date the T nonimmigrant status ends. In the case of an untimely filed Form I-539 after T nonimmigrant status has expired, the extension will be valid from the date the previous status expired and for one year from approval of the extension. Thus, the total length of the extension will be greater than one year if an untimely filed Form I-539 is approved.
- Any employment authorization document (EAD) issued in connection with a pending Form I-485 will be issued using the (c)(9) eligibility code.
- Any EAD issued in connection with an approved Form I-539 will be issued using the (a)(16) or (c)(25) eligibility code, as applicable.
- Derivatives who have been granted an extension of status will also be issued a Form I-797 by regular mail.

(C) Supporting evidence.

- If seeking an extension of status due to law enforcement need, an applicant must submit evidence demonstrating law enforcement need, such as a new Form I-914 Supplement B, Declaration of Law Enforcement Officer for Victims of Trafficking in Persons, or other evidence from law enforcement explaining that the presence of the T nonimmigrant is necessary to assist in the investigation or prosecution relating to human trafficking, and any other credible evidence.
- If seeking an extension of status due to exceptional circumstances, an applicant must submit evidence demonstrating exceptional circumstances, such as an affirmative statement or any other credible evidence.

\* \* \* \* \*

- ☞ 3. The *AFM Transmittal Memoranda* button is revised by adding, in numerical order, the following entry:

PM-602-0032.2 (10/04/2016)	<b>Chapter 39.1</b> and <b>Chapter 39.2</b>	Provides guidance regarding extensions of T and U nonimmigrant status for applicants for adjustment of status to lawful permanent residence
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### Use

This PM is intended solely for the guidance of USCIS personnel in the performance of their official duties. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law or by any individual or other party in removal proceedings, in litigation with the United States, or in any other form or manner.

### Contact Information

This guidance is effective immediately. Questions or suggestions regarding this PM should be addressed through appropriate channels to the Office of Policy and Strategy or the Service Center Operations Directorate.

**THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.**



Receipt Number [REDACTED]		Case Type I485 - APPLICATION TO REGISTER PERMANENT RESIDENCE OR ADJUST STATUS
Received Date 01/12/2022	Priority Date	Applicant [REDACTED]
Notice Date 01/19/2022	Page 1 of 2	Beneficiary [REDACTED]
[REDACTED] [REDACTED] [REDACTED] NEW YORK NY 10104		Notice Type: Receipt Notice Fee Waived Section: Crime Victim (U Nonimmigrant)

We have received the application or petition ("your case") listed above. This notice shows that your case was filed on the "Received Date" listed above. It does NOT grant the beneficiary any immigration status, and it is not evidence that your case is still pending. We will notify you in writing when we make a decision on your case or if we need additional information.

Please save this and any other notices about your case for your records. You should also keep copies of anything you send us, as well as proof of delivery. Have these records available if you contact us about your case.

**T/U Filings** - If you were still in valid U or T nonimmigrant status on the date your Application to Register Permanent Residence or Adjust Status (Form I-485) was received, that status is extended until a decision is reached on your Form I-485. If your status was no longer valid by the date your Form I-485 was received, you will need to file the Application to Extend/Change Nonimmigrant Status (Form I-539) with this office to request an extension of your nonimmigrant status.

**Affidavit of Support** - If a Form I-864, Affidavit of Support, is required for your filing, please understand that it is a contract between your sponsor and the government of the United States. This means that your sponsor is telling the government that he/she is willing and able to financially support you if needed. It may also make you ineligible for certain Federal, state, or local means-tested benefits, because he/she has indicated that they will support you. If you do receive any means-tested benefits, section 213A(b) of the Immigration and Nationality Act (INA) states that the benefits-granting entity shall request reimbursement from your sponsor.

**EMPLOYMENT AUTHORIZATION:**

You are authorized to work in the United States while your Application to Register Permanent Residence or Adjust Status (Form I-485) is pending. You may apply for work authorization by submitting an Application for Employment Authorization (Form I-765), pursuant to Title 8 Code of Federal Regulations (8 CFR), section 274a.12(c)(9), to this office. If you have already filed this application, the decision on your application will be sent under separate cover.

**DEPARTING FROM THE UNITED STATES:**

If you plan to depart the United States, you must obtain permission to return to the United States by requesting advance parole before you leave. If you do not obtain advance parole before your departure, you will be considered to have abandoned your application for adjustment of status and the application will be denied. Please see 8 CFR section 245.23(j), for T adjustment of status applications, and section 245.24(j), for U adjustment of status applications. In addition, you may be unable to re-enter the United States, or you may be placed in removal proceedings before an Immigration Judge. You may apply for advance parole by submitting an Application for Travel Document (Form I-131) to this office. If you have already filed this application, the decision on your application will be sent under separate cover.

If any of the information in your notice is incorrect or you have any questions about your case, you can connect with the USCIS Contact Center at [www.uscis.gov/contactcenter](http://www.uscis.gov/contactcenter) or ask about your case online at [www.uscis.gov/e-request](http://www.uscis.gov/e-request). You will need your Alien Registration Number (A-Number) and/or the receipt number shown above.

You can receive updates on your case by visiting [www.uscis.gov/casestatus](http://www.uscis.gov/casestatus) to get the latest status or you can create an account at [my.uscis.gov/account](http://my.uscis.gov/account) and receive email updates for your case.

**Processing time** - Processing times vary by form type.

- Visit [www.uscis.gov/processingtimes](http://www.uscis.gov/processingtimes) to see the current processing times by form type and field office or service center.
- If you do not receive an initial decision or update within our current processing time, you can try our online tools available at [www.uscis.gov/tools](http://www.uscis.gov/tools) or ask about your case online at [www.uscis.gov/e-request](http://www.uscis.gov/e-request).
- When we make a decision on your case or if we need something from you, we will notify you by mail and update our systems.

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

USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to <https://www.uscis.gov/file-online>.

Vermont Service Center  
U.S. CITIZENSHIP & IMMIGRATION SVC  
38 River Road  
Essex Junction VT 05479-0001

USCIS Contact Center: [www.uscis.gov/contactcenter](http://www.uscis.gov/contactcenter)



If you are visiting a field office and need directions, including public transportation directions, please see [www.uscis.gov/fieldoffices](http://www.uscis.gov/fieldoffices) for more information.

## **Notice for People with Disabilities**

To request a disability accommodation:

- Go to [uscis.gov/accommodations](http://uscis.gov/accommodations) to make your request online, or
- Call the USCIS Contact Center at 800-375-5283 (TTY 800-767-1833) for help in English or Spanish. Asylum and NACARA 203 applicants must call to make their request.

If you need a sign language interpreter, make your request as soon as you receive your appointment notice. The more advance notice we have of your accommodation request, the better prepared we can be and less likely we will need to reschedule your appointment. For more information about accommodations, visit [uscis.gov/accommodationsinfo](http://uscis.gov/accommodationsinfo).

**THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.**

Receipt Number EAC2 [REDACTED]		Case Type [REDACTED] ADJUST STATUS
Received Date 01/12/2022	Priority Date	Applicant [REDACTED]
Notice Date 01/19/2022	Page 2 of 2	Beneficiary [REDACTED]

**Biometrics** - We require biometrics (fingerprints, a photo, and a signature) for some types of cases. If we need biometrics from you, we will send you a SEPARATE appointment notice with a specific date, time and place for you to go to a USCIS Application Support Center (ASC) for biometrics processing. You must wait for that separate appointment notice and take it (NOT this receipt notice) to your ASC appointment along with your photo identification. Acceptable kinds of photo identification are:

- A passport or national photo ID issued by your country,
- A driver's license,
- A military photo ID, or
- A state-issued photo ID card.

If you receive more than one ASC appointment notice (even for different cases), take them both to the first appointment date.

**If your address changes** - If you move while your case is pending, please visit [www.uscis.gov/addresschange](http://www.uscis.gov/addresschange) for information on how to update your address. Remember to update your address for all your receipt numbers.

**Return of Original Documents** - Use Form G-884, Request for the Return of Original Documents, to request the return of original documents submitted to establish eligibility for an immigration or citizenship benefit. You only need to submit one Form G-884 if you are requesting multiple documents contained in a single USCIS file. However, if the requested documentation is in more than one USCIS file, you must submit a separate request for each file. (For example: if you wish to obtain your mother's birth certificate and your parents' marriage certificate, both of which are in the USCIS file that pertains to her, submit one Form G-884 with your mother's information.)

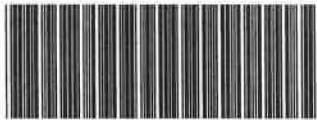
**NOTICE:** Under the INA, the information you provide on and in support of applications and petitions is submitted under the penalty of perjury. USCIS and the U.S. Department of Homeland Security reserve the right to verify this information before and/or after making a decision on your case so we can ensure that you have complied with applicable laws, rules, regulations, and other legal authorities. We may review public information and records, contact others by mail, the internet or phone, conduct site inspections of businesses and residences, or use other methods of verification. We will use the information obtained to determine whether you are eligible for the benefit you seek. If we find any derogatory information, we will provide you and the legal representative listed on your Form G-28 an opportunity to address that information before we make a formal decision on your case or start proceedings.

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

USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to <https://www.uscis.gov/file-online>.

Vermont Service Center  
U.S. CITIZENSHIP & IMMIGRATION SVC  
38 River Road  
Essex Junction VT 05479-0001

USCIS Contact Center: [www.uscis.gov/contactcenter](http://www.uscis.gov/contactcenter)



If you are visiting a field office and need directions, including public transportation directions, please see [www.uscis.gov/fieldoffices](http://www.uscis.gov/fieldoffices) for more information.

## Notice for People with Disabilities

To request a disability accommodation:

- Go to [uscis.gov/accommodations](http://uscis.gov/accommodations) to make your request online, or
- Call the USCIS Contact Center at 800-375-5283 (TTY 800-767-1833) for help in English or Spanish. Asylum and NACARA 203 applicants must call to make their request.

If you need a sign language interpreter, make your request as soon as you receive your appointment notice. The more advance notice we have of your accommodation request, the better prepared we can be and less likely we will need to reschedule your appointment. For more information about accommodations, visit [uscis.gov/accommodationsinfo](http://uscis.gov/accommodationsinfo).

**THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.**

Receipt Number [REDACTED]		Case Type I765 - APPLICATION FOR EMPLOYMENT AUTHORIZATION
Received Date 06/24/2019	Priority Date	Applicant # [REDACTED]
Notice Date 07/12/2019	Page 1 of 2	Beneficiary A [REDACTED]

[REDACTED]  
[REDACTED]  
ONE NEW YORK PLAZA STE 2404  
NEW YORK NY 10004

**Notice Type:** Receipt Notice  
Fee Waived  
Class requested: C09

**We have received the application or petition ("your case") listed above. This notice only shows that your case was filed on the "Received Date" listed above. It does NOT grant you any immigration status or immigration benefit, and it is not evidence that your case is still pending. We will notify you in writing when we make a decision on your case or if we need additional information.**

Please save this and any other notices about your case for your records. You should also keep copies of anything you send us, as well as proof of delivery. Have these records available when you contact us about your case.

**If any of the information in your notice is incorrect or you have any questions about your case,** you can connect with the USCIS Contact Center at [www.uscis.gov/contactcenter](http://www.uscis.gov/contactcenter) or ask about your case online at [www.uscis.gov/e-request](http://www.uscis.gov/e-request). You will need your Alien Registration Number (A-Number) and/or the receipt number shown above.

You can receive updates on your case by visiting [www.uscis.gov/casestatus](http://www.uscis.gov/casestatus) to get the latest status or you can create an account at [my.uscis.gov/account](http://my.uscis.gov/account) and receive email updates for your case.

**Automatic 180 day Employment Authorization Document (EAD) Extension** - This notice, by itself, does not grant any immigration status or benefit, nor is it evidence that this case is still pending. However, if:

- You have timely filed to renew your current Form I-765 EAD; and
- Your EAD renewal is under a category that is eligible for an automatic 180 day extension (see [www.uscis.gov/I-765](http://www.uscis.gov/I-765) for a list of categories); and
- The category on your current EAD matches the "Class Requested" listed on this Notice of Action (Note: If you are a Temporary Protected Status beneficiary or applicant, your EAD and this Notice must contain either the A12 or C19 class, but they do not need to match each other.) and
- You do not receive your renewal EAD before your current EAD expires;
- Then this Notice of Action automatically extends the validity of your EAD for up to 180 days from the expiration date printed on the face of the card. If all of the above conditions apply with respect to your EAD renewal application, you may present this Notice of Action with your expired EAD to your employer for employment eligibility verification (Form I-9) purposes. If your renewal application is denied, the automatic extension immediately terminates, and you may not provide this Notice of Action with your expired EAD for Form I-9 purposes. If your EAD is a combo card, the automatic extension does not apply to advance parole. For more information, please visit our website at [www.uscis.gov/I-765](http://www.uscis.gov/I-765).

**Processing time** - Processing times vary by form type.

- Visit [www.uscis.gov/processingtimes](http://www.uscis.gov/processingtimes) to see the current processing times by form type and field office or service center.
- If you do not receive an initial decision or update within our current processing time, you can try our online tools available at [www.uscis.gov/tools](http://www.uscis.gov/tools) or ask about your case online at [www.uscis.gov/e-request](http://www.uscis.gov/e-request).
- When we make a decision on your case or if we need something from you, we will notify you by mail and update our systems.

You can receive updates on your case.

- Visit the Case Status Online website at [www.uscis.gov/casestatus](http://www.uscis.gov/casestatus). Provide your receipt number and get the latest update on your case.
- Create an account at [my.uscis.gov/account](http://my.uscis.gov/account) and receive email updates on your case.

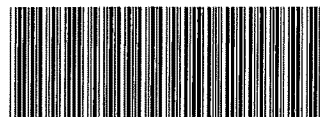
**Biometrics** - We require biometrics (fingerprints, a photo, and a signature) for some types of cases. If we need biometrics from you, we will send you a SEPARATE appointment notice with a specific date, time and place for you to go to a USCIS Application Support Center (ASC) for biometrics processing. You must wait for that separate appointment notice and take it (NOT this receipt notice) to your ASC appointment along with your photo identification. Acceptable kinds of photo identification are:

- A passport or national photo ID issued by your country,
- A driver's license,
- A military photo ID, or

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

Vermont Service Center  
U. S. CITIZENSHIP & IMMIGRATION SVC  
75 Lower Welden Street  
Saint Albans VT 05479-0001

**USCIS Contact Center:** [www.uscis.gov/contactcenter](http://www.uscis.gov/contactcenter)





If you are visiting a field office and need directions, including public transportation directions, please see [www.uscis.gov/fieldoffices](http://www.uscis.gov/fieldoffices) for more information.

## **Notice for People with Disabilities**

To request a disability accommodation:

- Go to [uscis.gov/accommodations](http://uscis.gov/accommodations) to make your request online, or
- Call the USCIS Contact Center at 800-375-5283 (TTY 800-767-1833) for help in English or Spanish. Asylum and NACARA 203 applicants must call to make their request.

If you need a sign language interpreter, make your request as soon as you receive your appointment notice. The more advance notice we have of your accommodation request, the better prepared we can be and less likely we will need to reschedule your appointment. For more information about accommodations, visit [uscis.gov/accommodationsinfo](http://uscis.gov/accommodationsinfo).

**THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.**

Receipt Number [REDACTED]		Case Type I765 - APPLICATION FOR EMPLOYMENT AUTHORIZATION
Received Date 06/24/2019	Priority Date	Applicant A [REDACTED]
Notice Date 07/12/2019	Page 2 of 2	Beneficiary A [REDACTED]

- A state-issued photo ID card.

If you receive more than one ASC appointment notice (even for different cases), take them both to the first appointment date.

**If your address changes** - If you move while your case is pending, please visit [www.uscis.gov/addresschange](http://www.uscis.gov/addresschange) for information on how to update your address. Remember to update your address for all your receipt numbers.

**Return of Original Documents** - Use Form G-884, Request for the Return of Original Documents, to request the return of original documents submitted to establish eligibility for an immigration or citizenship benefit. You only need to submit one Form G-884 if you are requesting multiple documents contained in a single USCIS file. However, if the requested documentation is in more than one USCIS file, you must submit a separate request for each file. (For example: If you wish to obtain your mother's birth certificate and your parents' marriage certificate, both of which are in the USCIS file that pertains to her, submit one Form G-884 with your mother's information.)

**NOTICE:** Under the Immigration and Nationality Act (INA), the information you provide on and in support of applications and petitions is submitted under the penalty of perjury. USCIS and the U.S. Department of Homeland Security reserve the right to verify this information before and/or after making a decision on your case so we can ensure that you have complied with applicable laws, rules, regulations, and other legal authorities. We may review public information and records, contact others by mail, the internet or phone, conduct site inspections of businesses and residences, or use other methods of verification. We will use the information obtained to determine whether you are eligible for the benefit you seek. If we find any derogatory information, we will follow the law in determining whether to provide you (and the legal representative listed on your Form G-28, if you submitted one) an opportunity to address that information before we make a formal decision on your case or start proceedings.

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

Vermont Service Center  
U. S. CITIZENSHIP & IMMIGRATION SVC  
75 Lower Welden Street  
Saint Albans VT 05479-0001

USCIS Contact Center: [www.uscis.gov/contactcenter](http://www.uscis.gov/contactcenter)



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If you need a sign language interpreter, make your request as soon as you receive your appointment notice. The more advance notice we have of your accommodation request, the better prepared we can be and less likely we will need to reschedule your appointment. For more information about accommodations, visit [uscis.gov/accommodationsinfo](http://uscis.gov/accommodationsinfo).

Receipt Number [REDACTED]	USCIS Account Number	Case Type I765 - APPLICATION FOR EMPLOYMENT AUTHORIZATION
Received Date 06/24/2019	Priority Date	Applicant A [REDACTED] [REDACTED]
Notice Date 10/23/2019	Page 1 of 1	
[REDACTED] [REDACTED] ONE NEW YORK PLAZA STE 2404 NEW YORK NY 10004		Notice Type: Approval Notice Class: C09 Valid from 10/23/2019 to 10/22/2020

We have approved your application for employment authorization. We will send your Employment Authorization Document (EAD) (also known as an EAD card or Form I-766) to you separately.

Your EAD card is proof that you are allowed to work in the United States. Show the card to your employer to verify your authorization to work during the dates on the card. You cannot use this approval notice as proof of your employment authorization.

When you receive your EAD card, please check that all the information on the card is correct. If you need to change any information on the card, please mail all of the following to the office listed below:

- A letter explaining what information needs to be corrected,
- Your EAD card,
- A photocopy of this notice, and
- Evidence to show what the correct information should be. For example, if you need to correct your name, submit a copy of your birth certificate or official name change.

If You Have a Pending Form I-485

If you have a pending or approved Form I-140 and a pending Form I-485, you may request to change employers if your Form I-485 has been pending for at least 180 days. In order to do so, you need to submit documentation about your new job offer. For more information on how to request a change of employers and what information you must submit, please visit the USCIS website at [www.uscis.gov](http://www.uscis.gov).

If your EAD card expires before we make a final decision on your Form I-485, you may apply for a new EAD card.

**THIS FORM IS NOT A VISA AND MAY NOT BE USED IN PLACE OF A VISA OR EVIDENCE OF EMPLOYMENT AUTHORIZATION.**

**NOTICE:** Although this application or petition has been approved, USCIS and the U.S. Department of Homeland Security reserve the right to verify this information before and/or after making a decision on your case so we can ensure that you have complied with applicable laws, rules, regulations, and other legal authorities. We may review public information and records, contact others by mail, the internet or phone, conduct site inspections of businesses and residences, or use other methods of verification. We will use the information obtained to determine whether you are eligible for the benefit you seek. If we find any derogatory information, we will follow the law in determining whether to provide you (and the legal representative listed on your Form G-28, if you submitted one) an opportunity to address that information before we make a formal decision on your case or start proceedings.

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

Vermont Service Center  
U. S. CITIZENSHIP & IMMIGRATION SVC  
75 Lower Welden Street  
Saint Albans VT 05479-0001

Customer Service Telephone: 800-375-5283



## ADDITIONAL INFORMATION FOR APPLICANT/PETITIONER

Please save this Form I-797, Notice of Action (approval notice) for your records. Please note that simply filing an application, petition or request, or having an approved petition does not give the person it was filed for (also known as the beneficiary) permission to legally enter the United States. It also does not grant any legal immigration status.

### **Include a copy of this notice if you:**

- Write to USCIS or a U.S. Consulate about your case or
- File another application or petition with USCIS based on this decision.

USCIS will notify you separately about any other applications or petitions you have filed.

### **Inquiries**

If you have questions about your application or petition, you may:

- Go to <https://egov.uscis.gov/casestatus> to check your case status online.
- Call the National Customer Service Center at 1-800-375-5283.
- Telecommunications Device for the Deaf (TDD): 1-800-767-1833.
- Send us a letter and include a copy of this notice.
- Schedule an appointment at a local USCIS office using InfoPass at <https://infopass.uscis.gov>.

If you filed Form I-907, Request for Premium Processing Service, and you have any questions about your application or petition, please follow the instructions for contacting the Premium Processing Unit printed on the receipt notice we mailed you.

### **APPROVAL OF A NONIMMIGRANT PETITION**

If we approved a nonimmigrant petition, it means that the beneficiary is eligible for the requested nonimmigrant classification. If this notice says that we are notifying a U.S. Consulate about the approval for the purpose of issuing a visa, contact the appropriate U.S. Consulate directly if you or the beneficiary has questions about the process.

### **APPROVAL OF AN IMMIGRANT PETITION**

An approved immigrant petition does not grant any legal immigration status or guarantee that the beneficiary will receive a visa or an adjustment of status. The approved petition means the beneficiary can:

- Apply for an immigrant or fiancé(e) visa if he or she is outside the United States, or
- Apply for adjustment of status as a permanent resident if he or she is already in the United States.

If this notice states we approved your immigrant petition and forwarded it to the National Visa Center (NVC), the NVC will directly contact the beneficiary with information about how to apply for a visa. If any changes occur that could affect visa eligibility, visit the NVC website at <http://nvc.state.gov/ask> to find contact information and a public inquiry form.

For more information about obtaining Lawful Permanent Residence status and a Green Card, visit our website at [www.uscis.gov](http://www.uscis.gov).

DATE

FEDERAL EXPRESS OVERNIGHT

TRACKING NUMBER

**Commented [e1]:** Always use some type of trackable mail for all mailings

USCIS

Vermont Service Center

38 River Road

Essex Junction, VT 05479-0001

**Commented [SS2]:** Always check the USCIS website to make sure you are filing at the correct address.

Re: **Camryn C. Client – A# 000011100**  
I-765 Employment Authorization Application Renewal

Dear USCIS,

Please be informed that I am an attorney with the Law Office of Alice Attorney, which has been retained to provide pro bono representation to Camryn C. Client. Mx. Client is an approved U Nonimmigrant with an application pending for Adjustment of Status (EAC100000). As part of its representation, this office is also assisting Mx. Client file for a renewal of her Employment Authorization. Please find enclosed an updated Form G-28.

**Commented [PD3]:** Include the receipt notice number from the pending I-485

Enclosed are the following documents in support of Mx. Client's Employment Authorization renewal:

1. An updated Form G-28;
2. Form I-765;
3. Copy of Mx. Client's previous EAD card;
4. Receipt notice for I-485; and
5. Two (2) passport-style color photographs.

We greatly appreciate your assistance in this matter and are available to provide any additional information you may need to facilitate your speedy decision and processing of the application.

Please direct all future communications to my attention as follows:

**c/o Alice Attorney, Esq.  
Law Offices of Alice Attorney  
45 Alice Lane, Suite 903  
New York, NY 10018**

Any mail sent to our office address for Mx. Client that is not addressed in the above manner listing my name as the attorney of record will not be routed properly since Mx. Client is not an employee of my firm, and mail incorrectly addressed will not be deemed received.

Sincerely yours,

Alice Attorney, Esq.

Enclosures

Cc: Camryn C. Client



# Application For Employment Authorization

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

USCIS  
Form I-765  
OMB No. 1615-0040  
Expires 10/31/2025

<b>For USCIS Use Only</b>	<input type="checkbox"/> Authorization/Extension Valid From _____	<b>Fee Stamp</b>	<b>Action Block</b>									
	<input type="checkbox"/> Authorization/Extension Valid Through _____											
	Alien Registration Number A- <table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>											
Remarks												

<b>To be completed by an attorney or Board of Immigration Appeals (BIA)-accredited representative (if any).</b>	<input checked="" type="checkbox"/> Select this box if Form G-28 is attached.	<b>Attorney or Accredited Representative USCIS Online Account Number (if any)</b> <table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>										

► **START HERE** - Type or print in black ink.

## Part 1. Reason for Applying

I am applying for (select **only one** box):

- 1.a. ☐ Initial permission to accept employment.
- 1.b. ☐ Replacement of lost, stolen, or damaged employment authorization document, or correction of my employment authorization document **NOT DUE** to U.S. Citizenship and Immigration Services (USCIS) error.

**NOTE:** Replacement (correction) of an employment authorization document due to USCIS error does not require a new Form I-765 and filing fee. Refer to **Replacement for Card Error** in the **What is the Filing Fee** section of the Form I-765 Instructions for further details.

- 1.c. ☐ Renewal of my permission to accept employment. (Attach a copy of your previous employment authorization document.)

## Part 2. Information About You

### Your Full Legal Name

- 1.a. Family Name (Last Name) 

Clientesta
------------
- 1.b. Given Name (First Name) 

Cameron
---------
- 1.c. Middle Name 

Josefina
----------

### Other Names Used

Provide all other names you have ever used, including aliases, maiden name, and nicknames. If you need extra space to complete this section, use the space provided in **Part 6**.

#### Additional Information.

- 2.a. Family Name (Last Name) 

Singlesta
-----------
- 2.b. Given Name (First Name) 

Cameron
---------
- 2.c. Middle Name 

Josefina
----------
- 3.a. Family Name (Last Name) 

--
- 3.b. Given Name (First Name) 

--
- 3.c. Middle Name 

--
- 4.a. Family Name (Last Name) 

--
- 4.b. Given Name (First Name) 

--
- 4.c. Middle Name 

--





## Part 2. Information About You (continued)

### Your U.S. Mailing Address

5.a. In Care Of Name (if any)

Firm Name

5.b. Street Number and Name 100 Broadway

5.c. ☐ Apt. ☐ Ste. ☒ Flr. 10

5.d. City or Town New York

5.e. State NY 5.f. ZIP Code 10005

6. Is your current mailing address the same as your physical address? ☐ Yes ☐ No

**NOTE:** If you answered "No" to **Item Number 6.**, provide your physical address below.

### U.S. Physical Address

7.a. Street Number and Name

7.b. ☐ Apt. ☐ Ste. ☐ Flr.

7.c. City or Town

7.d. State 7.e. ZIP Code

### Other Information

8. Alien Registration Number (A-Number) (if any)

► A-

9. USCIS Online Account Number (if any)

►

10. Gender ☐ Male ☐ Female

11. Marital Status

☐ Single ☐ Married ☐ Divorced ☐ Widowed

12. Have you previously filed Form I-765?

☒ Yes ☐ No

13.a. Has the Social Security Administration (SSA) ever officially issued a Social Security card to you?

☒ Yes ☐ No

**NOTE:** If you answered "No" to **Item Number 13.a.**, skip to **Item Number 14.** If you answered "Yes" to **Item Number 13.a.**, provide the information requested in **Item Number 13.b.**

13.b. Provide your Social Security number (SSN) (if known).



14. Do you want the SSA to issue you a Social Security card? (You must also answer "Yes" to **Item Number 15., Consent for Disclosure**, to receive a card.)

☐ Yes ☒ No

**NOTE:** If you answered "No" to **Item Number 14.**, skip to **Part 2., Item Number 18.a.** If you answered "Yes" to **Item Number 14.**, you must also answer "Yes" to **Item Number 15.**

15. **Consent for Disclosure:** I authorize disclosure of information from this application to the SSA as required for the purpose of assigning me an SSN and issuing me a Social Security card.

☐ Yes ☐ No

**NOTE:** If you answered "Yes" to **Item Numbers 14. - 15.**, provide the information requested in **Item Numbers 16.a. - 17.b.**

### Father's Name

Provide your father's birth name.

16.a. Family Name (Last Name)

16.b. Given Name (First Name)

### Mother's Name

Provide your mother's birth name.

17.a. Family Name (Last Name)

17.b. Given Name (First Name)

### Your Country or Countries of Citizenship or Nationality

List all countries where you are currently a citizen or national. If you need extra space to complete this item, use the space provided in **Part 6. Additional Information.**

18.a. Country

Dominican Republic

18.b. Country



## Part 2. Information About You (continued)

### Place of Birth

List the city/town/village, state/province, and country where you were born.

19.a. City/Town/Village of Birth

19.b. State/Province of Birth

19.c. Country of Birth

20. Date of Birth (mm/dd/yyyy)

### Information About Your Last Arrival in the United States

21.a. Form I-94 Arrival-Departure Record Number (if any)

▶

21.b. Passport Number of Your Most Recently Issued Passport

21.c. Travel Document Number (if any)

21.d. Country That Issued Your Passport or Travel Document

21.e. Expiration Date for Passport or Travel Document (mm/dd/yyyy)

22. Date of Your Last Arrival Into the United States, On or About (mm/dd/yyyy)

23. Place of Your Last Arrival Into the United States

24. Immigration Status at Your Last Arrival (for example, B-2 visitor, F-1 student, or no status)

25. Your Current Immigration Status or Category (for example, B-2 visitor, F-1 student, parolee, deferred action, or no status or category)

26. Student and Exchange Visitor Information System (SEVIS) Number (if any)

▶ N-

### Information About Your Eligibility Category

27. **Eligibility Category.** Refer to the **Who May File Form I-765** section of the Form I-765 Instructions to determine the appropriate eligibility category for this application. Enter the appropriate letter and number for your eligibility category below (for example, (a)(8), (c)(17)(iii)).

(  ) (  ) (  )

28. **(c)(3)(C) STEM OPT Eligibility Category.** If you entered the eligibility category (c)(3)(C) in **Item Number 27.**, provide the information requested in **Item Numbers 28.a - 28.c.**

28.a. Degree

28.b. Employer's Name as Listed in E-Verify

28.c. Employer's E-Verify Company Identification Number or a Valid E-Verify Client Company Identification Number

29. **(c)(26) Eligibility Category.** If you entered the eligibility category (c)(26) in **Item Number 27.**, provide the receipt number of your H-1B spouse's most recent Form I-797 Notice for Form I-129, Petition for a Nonimmigrant Worker.

▶

30. **(c)(8) Eligibility Category.** If you entered the eligibility category (c)(8) in **Item Number 27.**, have you **EVER** been arrested for and/or convicted of any crime?

☐ Yes ☐ No

**NOTE:** If you answered "Yes" to **Item Number 30.**, refer to **Special Filing Instructions for Those With Pending Asylum Applications (c)(8)** in the **Required Documentation** section of the Form I-765 Instructions for information about providing court dispositions.

31.a. **(c)(35) and (c)(36) Eligibility Category.** If you entered the eligibility category (c)(35) in **Item Number 27.**, please provide the receipt number of your Form I-797 Notice for Form I-140, Immigrant Petition for Alien Worker. If you entered the eligibility category (c)(36) in **Item Number 27.**, please provide the receipt number of your spouse's or parent's Form I-797 Notice for Form I-140.

▶

31.b. If you entered the eligibility category (c)(35) or (c)(36) in **Item Number 27.**, have you **EVER** been arrested for and/or convicted of any crime?

☐ Yes ☐ No

**NOTE:** If you answered "Yes" to **Item Number 31.b.**, refer to **Employment-Based Nonimmigrant Categories, Items 8. - 9.**, in the **Who May File Form I-765** section of the Form I-765 Instructions for information about providing court dispositions.



### Part 3. Applicant's Statement, Contact Information, Declaration, Certification, and Signature

**NOTE:** Read the **Penalties** section of the Form I-765 Instructions before completing this section. You must file Form I-765 while in the United States.

#### Applicant's Statement

**NOTE:** Select the box for either **Item Number 1.a.** or **1.b.** If applicable, select the box for **Item Number 2.**

- 1.a. ☒ I can read and understand English, and I have read and understand every question and instruction on this application and my answer to every question.
- 1.b. ☐ The interpreter named in **Part 4.** read to me every question and instruction on this application and my answer to every question in , a language in which I am fluent, and I understood everything.
2. ☒ At my request, the preparer named in **Part 5.**, **Lawyer Lawyering**, prepared this application for me based only upon information I provided or authorized.

#### Applicant's Contact Information

3. Applicant's Daytime Telephone Number
4. Applicant's Mobile Telephone Number (if any)
5. Applicant's Email Address (if any)
6. ☐ Select this box if you are a Salvadoran or Guatemalan national eligible for benefits under the ABC settlement agreement.

#### Applicant's Declaration and Certification

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


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

I understand that USCIS may require me to appear for an appointment to take my biometrics (fingerprints, photograph, and/or signature) and, at that time, if I am required to provide biometrics, I will be required to sign an oath reaffirming that:

- 1) I reviewed and understood all of the information contained in, and submitted with, my application; and
- 2) All of this information was complete, true, and correct at the time of filing.

I certify, under penalty of perjury, that all of the information in my application and any document submitted with it were provided or authorized by me, that I reviewed and understand all of the information contained in, and submitted with, my application and that all of this information is complete, true, and correct.

#### Applicant's Signature

- 7.a. Applicant's Signature 
- 7.b. Date of Signature (mm/dd/yyyy)

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

### Part 4. Interpreter's Contact Information, Certification, and Signature

Provide the following information about the interpreter.

#### Interpreter's Full Name

- 1.a. Interpreter's Family Name (Last Name)
- 1.b. Interpreter's Given Name (First Name)
2. Interpreter's Business or Organization Name (if any)



#### Part 4. Interpreter's Contact Information, Certification, and Signature

##### Interpreter's Mailing Address

- 3.a. Street Number and Name
- 3.b. ☐ Apt. ☐ Ste. ☐ Flr.
- 3.c. City or Town
- 3.d. State  3.e. ZIP Code
- 3.f. Province
- 3.g. Postal Code
- 3.h. Country

##### Interpreter's Contact Information

4. Interpreter's Daytime Telephone Number
5. Interpreter's Mobile Telephone Number (if any)
6. Interpreter's Email Address (if any)

##### Interpreter's Certification

I certify, under penalty of perjury, that:

I am fluent in English and , which is the same language specified in **Part 3., Item Number 1.b.**, and I have read to this applicant in the identified language every question and instruction on this application and his or her answer to every question. The applicant informed me that he or she understands every instruction, question, and answer on the application, including the **Applicant's Declaration and Certification**, and has verified the accuracy of every answer.

##### Interpreter's Signature

- 7.a. Interpreter's Signature
- 7.b. Date of Signature (mm/dd/yyyy)

#### Part 5. Contact Information, Declaration, and Signature of the Person Preparing this Application, If Other Than the Applicant

Provide the following information about the preparer.

##### Preparer's Full Name

- 1.a. Preparer's Family Name (Last Name)
- 1.b. Preparer's Given Name (First Name)
2. Preparer's Business or Organization Name (if any)

##### Preparer's Mailing Address

- 3.a. Street Number and Name
- 3.b. ☐ Apt. ☐ Ste. ☐ Flr.
- 3.c. City or Town
- 3.d. State  3.e. ZIP Code
- 3.f. Province
- 3.g. Postal Code
- 3.h. Country

##### Preparer's Contact Information

4. Preparer's Daytime Telephone Number
5. Preparer's Mobile Telephone Number (if any)
6. Preparer's Email Address (if any)



---

**Part 5. Contact Information, Declaration, and  
Signature of the Person Preparing this  
Application, If Other Than the Applicant**  
(continued)

***Preparer's Statement***

- 7.a. ☐ I am not an attorney or accredited representative but have prepared this application on behalf of the applicant and with the applicant's consent.
- 7.b. ☐ I am an attorney or accredited representative and my representation of the applicant in this case ☐ extends ☐ does not extend beyond the preparation of this application.

**NOTE:** If you are an attorney or accredited representative, you may need to submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, with this application.

***Preparer's Certification***

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

***Preparer's Signature***

- 8.a. Preparer's Signature

- 8.b. Date of Signature (mm/dd/yyyy)



## Part 6. Additional Information

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

**1.a.** Family Name (Last Name) **Clientesta**

**1.b.** Given Name (First Name) **Cameron**

<b>1.c.</b> Middle Name	<b>Josefina</b>
-------------------------	-----------------

2. A-Number (if any) ► A-

<b>3.a.</b> Page Number	<b>3.b.</b> Part Number	<b>3.c.</b> Item Number
<div></div>	<div></div>	<div></div>

[illegible]

<b>4.a.</b> Page Number	<b>4.b.</b> Part Number	<b>4.c.</b> Item Number
<div></div>	<div></div>	<div></div>

[illegible]

**5.a.** Page Number **5.b.** Part Number **5.c.** Item Number

<b>5.d.</b>	

**6.a.** Page Number **6.b.** Part Number **6.c.** Item Number

[illegible]

**7.a.** Page Number **7.b.** Part Number **7.c.** Item Number

[illegible]

December 19, 2018

(employer)  
(address)

**Re: Employment Authorization for** [REDACTED]

Dear (employer):

[REDACTED], LLP is representing Mx. [REDACTED] in their immigration matters on a *pro bono* basis.

Mx. [REDACTED] is in the process of applying for lawful permanent residency. Their employment authorization document (EAD or “work permit”) has recently expired and we filed an EAD renewal application with the U.S. Citizenship and Immigration Service (USCIS) on [REDACTED]. Mx. [REDACTED] filed I-485 and I-765 applications with USCIS, which arrived at USCIS’ Vermont Service Center today (see attached FedEx confirmation). Mx. [REDACTED] filed their I-485 application under INA §245(m), which allows for the extension of the underlying U nonimmigrant status during the pendency of the I-485 application. While the I-485 is pending, Mx. [REDACTED] remains employment authorized; within a few weeks, they should receive a U nonimmigrant status extension notice, which notes that they remain authorized to work in the United States (see attached redacted U nonimmigrant status extension notice and US Citizenship and Immigration Services memorandum “Extension of Status for T and U Nonimmigrants,” pages 8 and 9).

Furthermore, based on Mx. [REDACTED]’s pending I-765 application, they should receive a new Employment Authorization Card from anywhere to a few weeks to a few months.

We respectfully request that you do not terminate Mx. [REDACTED] from her employment for lack of a valid EAD. As noted above, they are employment-authorized at this time due to her I-485 application based on INA §245(m) and will have a notice detailing this within a few weeks. Also, their new EAD should arrive soon after that.

Please also note that requiring a specific document for Form I-9, or requesting more or different documents than are required to verify employment authorization and identity, is a violation of federal law per 8 U.S.C. section 1324b.

If you have any questions, please contact me at [REDACTED]. Thank you very much for your attention to this matter.

Sincerely,

[REDACTED]

<b>Applicant/Petitioner A #</b> A [REDACTED]	<b>Application/Petition</b> Application To Register Permanent Residence Or Adjust Status (form I485)
<b>Notice Date</b> August 29, 2016	<b>Response due by</b> November 24, 2016

[REDACTED]  
HER JUSTICE  
100 BROADWAY FLR 10  
NEW YORK NY 10005



\*EAC [REDACTED]

<b>Applicant/Petitioner</b> [REDACTED]
<b>Beneficiary</b> [REDACTED]
<b>Receipt Number</b> EAC [REDACTED]

**IMPORTANT: THIS NOTICE CONTAINS YOUR UNIQUE NUMBER. THE ORIGINAL NOTICE MUST BE SUBMITTED WITH THE REQUESTED EVIDENCE.**

You are receiving this notice because U.S. Citizenship and Immigration Services (USCIS) requires additional evidence to process your form. Please provide the evidence listed on the attached page(s). Include duplicate copies if you are requesting consular notification.

**Your response must be received in this office by November 24, 2016**

Please note that you have been allotted the maximum period allowed for responding to a Request For Evidence (RFE). The time period for responding cannot be extended. 8 CFR 103.2(b)(8)(iv). Because many immigration benefits are time sensitive, you are encouraged to respond to this request as early as possible, but no later than the deadline provided above. If you do not respond to this notice within the allotted time, your case may be denied. The regulations do not provide for an extension of time to submit the requested evidence.

You must submit all requested evidence at the same time. If you submit only some of the requested evidence, USCIS will consider your response a request for a decision on the record. 8 CFR 103.2(b)(11).

If you submit a document in any language other than English, the document must be accompanied by a full and **complete** English translation. The translator must certify that the translation is accurate and he or she is competent to translate from that language to English. If you submit a foreign language translation in response to this request for evidence, you must also include a copy of the foreign language document.

Processing of your form or benefit request will resume upon receipt of your response. If you have not heard from USCIS within **60 days of responding**, you may contact the USCIS National Customer Service Center (NCSC) at **1-800-375-5283**. If you are hearing impaired, please call the NCSC TDD at **1-800-767-1833**.

Mail this notice and your response to:

U.S. CITIZENSHIP AND IMMIGRATION SERVICES  
VERMONT SERVICE CENTER  
75 LOWER WELDEN STREET  
ST. ALBANS, VT 05479-0001



A [REDACTED]  
EAC [REDACTED]

U.S. Citizenship and Immigration Services (USCIS) received your Application to Register Permanent Residence or Adjust Status (Form I-485) and supporting documentation. However, further documentation is required in order to continue processing your application. Please comply with the requirements below.

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

You did not include a completed Report of Medical Examination and Vaccination Record (Form I-693) with your application as required.

Submit a Form I-693 signed by a designated civil surgeon. After July 26, 2015, U.S. Citizenship and Immigration Services (USCIS) will not accept versions of Form I-693 issued before March 30, 2015.

You may contact your local district office for a list of designated civil surgeons in your area.

The designated civil surgeon must:

- Complete the original Form I-693 in its entirety,
- Properly sign the Form I-693, and
- Seal the Form I-693 in an envelope.

Page nine (9) of the Form I-693 includes your vaccination record. This section must establish that all recommended age-specific immunizations are current, or that you have received a waiver of that requirement in accordance with Section 212(g) of the Immigration and Nationality Act (INA).

You must return the unopened envelope to USCIS.

**Additional Information**

If you submit a document in any language other than English, you must include a full English translation. The translator must certify that the translation is complete and accurate, and that he or she is competent to translate from the foreign language to English. Official extracts are acceptable, but only if they contain all the information necessary to make a decision on the case. Only extracts prepared by an authorized official, the "keeper of record," are acceptable. A summary of a document prepared by a translator is unacceptable.

December 10, 2019

U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
75 Lower Welden St.  
St. Albans, VT 05479



U.S. Citizenship  
and Immigration  
Services

[REDACTED]  
787 7TH AVE FLR 17  
NEW YORK, NY 10019



RE: [REDACTED]  
I-485, Application to Register Permanent Residence or  
Adjust Status

A [REDACTED]

**REQUEST FOR EVIDENCE**

**IMPORTANT: THIS NOTICE CONTAINS YOUR UNIQUE RECEIPT NUMBER. THIS PAGE MUST BE SUBMITTED WITH THE REQUESTED EVIDENCE.**

You are receiving this notice because U.S. Citizenship and Immigration Services (USCIS) requires additional evidence to process your form. Please provide the evidence requested on the attached page(s). Include duplicate copies if you are requesting consular notification.

**Your response must be received in this office by March 6, 2020.**

Please note that you have been allotted the maximum period allowed for responding to a Request for Evidence (RFE). The time period for responding cannot be extended. See Title 8 Code of Federal Regulations (8 CFR), Section 103.2(b)(8)(iv). Because many immigration benefits are time sensitive, you are encouraged to respond to this request as early as possible, but no later than the deadline provided above. If you do not respond to this notice within the allotted time, your case may be denied. The regulations do not provide for an extension of time to submit the requested evidence.

You must submit all requested evidence at the same time. If you submit only some of the requested evidence, USCIS will consider your response a request for a decision on the record. See 8 CFR 103.2(b)(11). If you submit a document in any language other than English, the document must be accompanied by a full and **complete** English translation. The translator must certify that the translation is accurate and he or she is competent to translate from that language to English. **If you submit a foreign language translation in response to this request for evidence, you must also include a copy of the foreign language document.** The processing of your form or benefit request will resume upon timely receipt of your response. Written inquiries may be mailed to:

USCIS/ Vermont Service Center  
ATTN: VAWA T U Division  
75 Lower Welden Street  
St. Albans, VT 05479-0001

Your written inquiry must be signed and should include your A-number, receipt number, and indicate the purpose of your inquiry.



U.S. Citizenship and Immigration Services (USCIS) received your Form I-485, Application to Register Permanent Residence or Adjust Status and supporting documentation. However, further documentation is required in order to continue processing your application. Please comply with the requirements below.

### **Criminal History**

You indicated on your Form I-485 that you have prior arrests and/or citations:

- Date of Arrest/Citation: February [REDACTED]; and
- Date of Arrest/Citation: June [REDACTED]

The instructions for the Form I-485 state the following:

All applicants for adjustment of status are required to submit the original or certified copy of the official arrest report or other statement by the arresting agency and official court records showing the disposition of all arrests, detentions, or convictions regardless of where in the world the arrest occurred.

Therefore, please submit the original or certified copies of the following documents concerning all of your arrests and/or citations, including those listed above, unless disclosure is prohibited under state law:

1. Actual arresting officer's report of the arrest and/or citation.
2. Criminal complaint or charging document from the prosecuting attorney's office.
3. Certified judgment and conviction documents from the Court, providing the following information:
  - Final Disposition: The judgment and conviction documents must identify the disposition of every charge.
  - Dismissed Charges: If any charge was dismissed, the judgment and conviction document must include the reason for dismissal.
  - Reduced Charges: If any charge was reduced, such as from a felony to a misdemeanor, the judgment and conviction document must show which conviction goes with each original charge.
  - Pending Charges: Submit a court document which states the status and next scheduled action for each pending charge.
  - Unavailable Judgment and Conviction Documents: U.S. Citizenship and Immigration Services (USCIS) will not accept a statement by you or your representative in place of judgment and conviction documents. If such records no longer exist, please submit confirmation of their unavailability from the relevant court or other government authority having jurisdiction.
4. Evidence of completion of sentence, if any sentence imposed has been completed. If not, submit an explanation of which part(s) of the sentence has yet to be completed.
5. A statement, in your own words, describing the circumstances and your behavior that resulted in each arrest or citation.

USCIS acknowledges the receipt of the following documentation regarding your known criminal record:

- Court dispositions for your arrests listed above on February [REDACTED] and June [REDACTED]

Therefore, you do not need to resubmit these documents.

### **Evidence in Support of an Exercise of Discretion**

You are required to establish that your adjustment of status and continued presence in the United States is justified on humanitarian grounds, to ensure family unity, or is otherwise in the public interest.

Additional evidence is requested to establish the positive factors in the case so that USCIS may establish eligibility for the exercise of discretion.

Please provide a statement addressing why your continued presence in the United States is justified on humanitarian grounds, to ensure family unity, or is otherwise in the public interest.

Additionally, please submit information that you would like USCIS to consider when determining whether a favorable exercise of discretion is appropriate.

These factors may include, but are not limited to:

- Family ties within the United States;
- Residence of long duration in this country (particularly when residence began at a young age);
- Hardship to the applicant or applicant's family if relief is not granted;
- Service in the U.S. armed forces;
- A history of employment;
- The existence of business or property ties;
- Evidence of value and service to the community;
- Proof of rehabilitation if a criminal record exists; and/or

Any other evidence demonstrating that a favorable exercise of discretion is warranted in your case.

### **Form I-693, Report of Medical Examination and Vaccination Record**

Your application did not include a completed Form I-693, Report of Medical Examination and Vaccination Record, in an envelope sealed by the civil surgeon's office, as required.

Submit a Form I-693 signed by a designated civil surgeon in an envelope sealed by the civil surgeon's office. Visit [www.uscis.gov](http://www.uscis.gov) or contact your local district office for a list of designated civil surgeons in your area.

The designated civil surgeon must:

- Complete the original Form I-693 in its entirety;
- Properly sign the Form I-693; and
- Seal the Form I-693 in an envelope.

You must return the sealed envelope containing the Form I-693 to USCIS.

Acceptable Versions of Form I-693

For civil surgeon examinations between January 2, 2018, and September 23, 2019, USCIS will accept the October 19, 2017, or July 15, 2019, versions of Form I-693.

For examinations on or after September 23, 2019, USCIS will only accept the July 15, 2019 version.

USCIS will not accept any previous versions of the Form I-693. Obtain the current version of the Form I-693 by visiting the USCIS website at [www.uscis.gov](http://www.uscis.gov).

Vaccination Requirement

The vaccination section must establish that all recommended age-specific immunizations are current or that you have received a waiver of that requirement in accordance with section 212(g) of the Immigration and Nationality Act.

PLEASE RETURN THE REQUESTED INFORMATION AND ALL SUPPORTING DOCUMENTS  
WITH THIS ORIGINAL REQUEST ON TOP TO:

U.S. CITIZENSHIP AND IMMIGRATION SERVICES  
75 LOWER WELDEN ST  
ST ALBANS VT 05479



September 23, 2023

**VIA FEDERAL EXPRESS**

USCIS

Attn: 485U VAWA

850 S St.

Lincoln, NE 68508-1225

**Re: Response to Request for Evidence**

**CLIENT NAME AND A# HERE**

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

**EAC123456678**

Dear USCIS:

The following is in response to the Request for Evidence (RFE) dated July 10, 2023, regarding the I-485, Application to Register Permanent Residence or Adjust Status of NAME. We are submitting this response in a timely manner, as it will arrive at USCIS before the stated deadline.

The RFE requests submission of Form I-693, Report of Medical Examination and Vaccination Record. We are enclosing a completed form I-693 in a sealed envelope with this filing.

Please continue to direct all communications regarding NAME's immigration matters to my attention as follows:

c/o Susanna Saul, Esq.

Her Justice

100 Broadway, 10<sup>th</sup> floor

New York, NY 10005

I greatly appreciate your attention to this matter, and I am available to provide any additional information you may need to facilitate your processing of the application. Please feel free to contact me with any questions that you may have at (646) 442-1182 or [ssaul@herjustice.org](mailto:ssaul@herjustice.org).

Very truly yours,

Susanna Saul Esq.  
Director of Immigration Practice

September 23, 2022

**VIA FEDERAL EXPRESS**

USCIS  
Attn: 485U VAWA  
850 S St.  
Lincoln, NE 68508-1225

**Re: Response to Request for Evidence  
T O, T D, U-1 Nonimmigrant, A xxx xxx xxx  
I-485, Application to Register Permanent Residence or Adjust status  
EAC123456678**

Dear USCIS:

The following is in response to the Request for Evidence (RFE) dated May, 6 2022, regarding the I-485, Application to Register Permanent Residence or Adjust Status of T D T O.

The RFE requests information regarding the following matters, which this letter addresses in turn:

- Criminal History
- Evidence in Support of an Exercise of Discretion
- Form I-639, Report of Medical Examination and Vaccination Record

**Criminal History**

As documented through the attached sworn statements and additional criminal history documents, Ms. T O's arrests on October 29, 2013 and October 15, 2014 were related to the abuse by WP. The arrest reports and certificates of dispositions for those incidents are also attached. Ms. T O explains in her affidavit that the arrest on October 29, 2013 was based on an incident in which her ex-partner/ abuser, WP, asked her to meet to talk about their daughter's health. When she met up with him, both he and his romantic partner (NG) started to attack her. Ms. T O defended herself against their attacks, scratching Ms. G in the process. Mr. P then called the police alleging that Ms. T O had assaulted her. Ms. T O maintained that these were false allegations because any assault that occurred was the result of self-defense. The criminal case resulting from this arrest was adjourned and then dismissed and sealed pursuant to New York Criminal Procedure Law 160.50.



This “sealing statute” is the closest thing that New York State has to an “expungement” of criminal records. Expungement of criminal records (the complete erasure of all records regarding the crime) does not exist in New York State.

Under New York State law, when a case is dismissed and sealed under New York Penal Law 160.50, the case is “terminated in favor of the accused”. The law states the following:

Upon the termination of a criminal action or proceeding against a person in favor of such person, as defined in subdivision three of this section, unless the district attorney upon motion with not less than five days notice to such person or his or her attorney demonstrates to the satisfaction of the court that the interests of justice require otherwise, or the court on its own motion with not less than five days notice to such person or his or her attorney determines that the interests of justice require otherwise and states the reasons for such determination on the record, the record of such action or proceeding shall be sealed and the clerk of the court wherein such criminal action or proceeding was terminated shall immediately notify the commissioner of the division of criminal justice services and the heads of all appropriate police departments and other law enforcement agencies that the action has been terminated in favor of the accused, and unless the court has directed otherwise, that the record of such action or proceeding shall be sealed.

The statute goes on to state that “Upon receipt of notification of such termination and sealing”, the New York State Department of Criminal Justice Services and the relevant police precincts must be notified and every photograph of the defendant, fingerprint of the defendant, or palm print of the defendant must be returned to the person who received the favorable disposition of destroyed. Any police departments and [law enforcement](#) agencies who have photographs of the defendant, fingerprints or palm prints, and have shared them with other agencies or jurisdictions must track them down have them destroyed. In addition, all of the official records and papers, including but not limited to copies of published opinions by the Judge shall be sealed and not made available to any person, public or private agency. The full text of this law is attached to this filing.

Although the October 29, 2013 arrest was dismissed and sealed, an order of protection was issued in favor of NG as a result of the prosecution. On October 15, 2014, while Ms. T O was driving, she was stopped by a police officer and asked for her license. She was unable to show him her license and he arrested her. She assumed that this was the reason for the arrest. She later learned that the arrest was the result of a false accusation that she had violated the order of protection issued to NG by sitting in a car in front of her residence. The attached arrest report details that the actual allegation of the violation occurred on March 4, 2014. It is unclear why the arrest took place approximately six months later. Nevertheless, Ms. T O maintains that this was a false allegation, as she had no idea where NG lived and therefore could not have intentionally sat in her car in front of her residence in violation of the order of protection. Despite maintaining

her innocence, Ms. T O was advised by her defense attorney to plead guilty to resolve the matter more quickly, which is what she did. This case was also sealed under NY CPL 160.50.

Because both arrests were sealed pursuant to NY CPL 160.50, we are unable to provide the criminal complaints relating to these cases. We are attaching the arrest reports and certificates of disposition.

The RFE correctly states that Ms. T O did not provide court records showing that the the allegations against her found to be false. There are no court records to show that the allegations were false. This is because the State of New York did not bring any charges against Ms. G or P for making false allegations against Ms. T and there was no trial or fact-finding in either of these cases.

As for the arrest on August 25, 2019, we are enclosing an updated certificate of disposition showing that all fees and fines relating to this arrest were paid.

#### **Evidence in Support of Exercise of Discretion**

Ms. T O has lived in the U.S. since 2007. She has two children who are U.S. Citizens. Her children are very young; six years old, and one month old. Ms. T O is a devoted and hard-working single mother who does everything she can to care for her two children and herself. Ms. T O has recently experienced domestic violence by the father of her newborn baby, L V, ALIAS L B. She called the police twice to report two different incidents of domestic violence by L. Due to the violence, she separated from L and is now a single mother raising her two children on her own. She would face extremely difficult circumstances if she were to be returned to Ecuador. One of her abusers, W P, fled to Ecuador and she believes is still there. If she were returned to Ecuador she believes that he may be able to find her and harm her again. She has relied on the protections for women experiencing violence that are available to her in the United States. There are limited protections for women and children experiencing violence in Ecuador and she could be at risk of harm<sup>1</sup>. In addition, if she were removed to Ecuador, she does not believe that the father of her newborn baby, who has also been abusive to her, would allow her to take their child back to Ecuador with her. She would therefore face permanent separation from her newborn son if she were removed. Finally, as evidenced in the attached Department of State Travel Advisory about Ecuador, the conditions in Ecuador are increasingly dire due to increasing crime, violence and civil unrest. Ms. T O is committed to providing a safe and stable life for herself and her children in the U.S. and respectfully requests that discretion be exercised in her favor.

#### **Report of Medical Examination and Vaccination Record**

<sup>1</sup> See attached Ecuador 2021 Human Rights Report demonstrating is a lack of investigation and accountability for violence against women and children in Ecuador.

**Commented [SS1]:** Ask her a little more about violence by Luis in order to add a couple of other sentences about this abuse. Was August 8th the first time he hurt her or abused her verbally/ emotionally? The DIR shows that he abused her in 2021 as well. When did the abuse start? What was the worst incident? You don't have to get more details but the first and worst incidents would be helpful to include here.

We are enclosing a completed form I-693 in a sealed envelope with this filing.

Please continue to direct all communications regarding T D T O's immigration matters to my attention as follows:

c/o Susanna Saul, Esq.  
Her Justice  
100 Broadway, 10<sup>th</sup> floor  
New York, NY 10005

I greatly appreciate your attention to this matter, and I am available to provide any additional information you may need to facilitate your processing of the application. Please feel free to contact me with any questions that you may have at (646) 442-1190 or [ssaul@herjustice.org](mailto:ssaul@herjustice.org)

Very truly yours,

Susanna Saul Esq.  
Director of Immigration Practice

**Via Federal Express Tracking Number**

USCIS Vermont Service Center  
Attn: G-28  
38 River Road  
Essex Junction, VT 05479-0001

**Re: Camryn C. Client – A# 000-000-000**

I-485 Application for Adjustment of Status EAC123456789

I-765 Application for Employment Authorization EAC0123456789

**Commented [A1]:** Make sure to send to the relevant USCIS office. Check the most recent receipt or transfer notice for the relevant application to make sure you know where the case is being processed.

**Commented [A2]:** Include the receipt numbers located on the receipt notices for each application.

Dear USCIS,

Please be informed that I am an attorney with the Law Office of Alice Attorney, which has been retained to provide pro bono representation to Camryn C. Client. Mx. Client is an approved U Nonimmigrant with an application pending for Adjustment of Status (EAC123456789).

I am taking over representation of Mx. Camryn C. Client and would like to please enter my appearance as attorney for the I-485 and I-765 applications. Enclosed please find a completed Form G-28 and receipt notices for Mx. Camryn C. Client. Please direct future correspondence to the following address:

**c/o Alice Attorney, Esq.  
Law Offices of Alice Attorney  
45 Alice Lane, Suite 903  
New York, NY 10018**

Sincerely,

Alice Attorney, Esq.

Enclosures

cc: Camryn C. Client

# EXHIBIT 5

**POST-FILING: IMPORTANT  
DOCUMENTS AFTER DECISION**

## **EXHIBIT 5 – POST-FILING: IMPORTANT DOCUMENTS AFTER DECISION**

- A. Exhibit 5 Table of Contents
- B. Sample I-485 Approval Notice
- C. Sample Termination Letter in English and Spanish

**NOTE: Many of the samples in this manual contain gender neutral pronouns (e.g., they/them instead of she/her and he/him). We recommend that you talk to your client about the pronouns that they use and that their family members, partners or others mentioned in their cases use, and tailor the documents relevant to your case accordingly.**



<b>RECEIPT NUMBER</b> EAC- [REDACTED]		<b>CASE TYPE</b> I485 APPLICATION TO REGISTER PERMANENT RESIDENCE OR ADJUST STATUS
<b>RECEIPT DATE</b> March 22, 2016	<b>PRIORITY DATE</b>	<b>APPLICANT</b> A [REDACTED] [REDACTED]
<b>NOTICE DATE</b> November 30, 2016	<b>PAGE</b> 1 of 1	
SUSANNA SAUL HER JUSTICE 100 BROADWAY FLR 10 NEW YORK NY 10005		<b>Notice Type:</b> Approval Notice <b>Section:</b> Other basis for adjustment <b>COA:</b> SU0

The above application has been approved. Prior to receiving your permanent resident card you may be required to report for biometrics processing (photo/fingerprint/signature). Please do not take any action at this time. If you are required to report for this processing, you will receive another notice advising you of the date, time and location to appear.

If you have not received your permanent resident card or the above mentioned notice to appear for biometrics processing within 90 days, please call this office at the number listed below.

NOTICE: Although this application/petition has been approved, USCIS and the U.S. Department of Homeland Security reserve the right to verify the information submitted in this application, petition and/or supporting documentation to ensure conformity with applicable laws, rules, regulations, and other authorities. Methods used for verifying information may include, but are not limited to, the review of public information and records, contact by correspondence, the internet, or telephone, and site inspections of businesses and residences. Information obtained during the course of verification will be used to determine whether revocation, rescission, and/or removal proceedings are appropriate. Applicants, petitioners, and representatives of record will be provided an opportunity to address derogatory information before any formal proceeding is initiated.

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

VERMONT SERVICE CENTER  
US CITIZENSHIP & IMMIGRATION SVCS  
75 LOWER WELDEN STREET  
SAINT ALBANS VT 05479-0001

**Customer Service Telephone: (800) 375-5283**



January 4, 2022

[clientfullname]

[clientaddress]

**Re: Approval of Application for Lawful Permanent Resident Status and Termination of Representation**

Dear [clientfirstname]:

Congratulations on your grant of lawful permanent resident status (popularly known as a green card) by the United States Citizenship and Immigration Services (USCIS). Please read the following information regarding your new immigration status carefully.

- You were granted lawful permanent resident status on [insert date]. The card you have received is valid for a period of 10 years and will need to be renewed and replaced every 10 years.
- Lawful permanent resident status is granted indefinitely. Note that the U.S. government could move to terminate your lawful permanent resident status should you stay outside the United States for more than 6 months, should you engage in certain unlawful activities, or should you be convicted of certain unlawful activities.
- **Being arrested, cited, charged, or convicted of any crime or violation of local, state or federal law may have a detrimental effect on your status as lawful permanent resident.** Should you be arrested, cited, or charged with any crime we recommend that you immediately **make your criminal defense lawyer aware of your immigration status.**
- If you intend to travel outside the United States as a lawful permanent resident, you will need a valid passport from your country of origin to enter other countries, including your own. When traveling, always keep a copy of your lawful permanent resident card at home, and in your travel bag. You may need to show it at a U.S. consulate abroad in case of theft or loss.
- As lawful permanent resident following status as a U Nonimmigrant, you may become eligible to apply for naturalization on [insert date: 4 years and 9 months after date LPR status granted]. You may contact Her Justice at (212) 695-3800 to request assistance and to receive referrals to other organizations that may be able to assist you with naturalization. Please note that **Her Justice cannot guarantee that the organization will have the resources to assist you with naturalization at the time of your call.**



- Should you move to a new residence, please be aware that U.S. federal law requires that you file a change of address form within 10 days of moving. You may file a change of address with USCIS by submitting Form AR-11 by mail addressed to

U.S. Citizenship and Immigration Services

Attn: Change of Address

[PLEASE CHECK WEBSITE FOR LATEST ADDRESS];

Enclosed is a copy of your complete immigration file. Please keep this file in a safe place for future reference.

This letter will confirm that the legal representation provided by Her Justice on your immigration matter has been completed. Accordingly, we no longer have a continuing obligation toward, nor an attorney-client relationship with, you.

It was a pleasure to work with you on your adjustment of status. We wish you all the best in the future.

Sincerely,

[primaryname], Esq.

Encl.

4 de Enero, 2022

[clientfullname]

[clientaddress]

**Re: Aprobación de su aplicación para la residencia permanente y la culminación de representación legal**

Estimada [clientfullname]:

La felicitamos. El Departamento de Inmigración y Ciudadanía de E.E.U.U. (USCIS) le otorgó la residencia permanente (la cual también se conoce como un “green card”). Por favor, lea **con mucho cuidado** la siguiente información acerca de lo que eso significa.

- Usted ha sido otorgada residencia permanente de E.E.U.U. el [insert date]. El documento que ha recibido será válido por 10 años. Tendrá que renovarlo antes de que vence cada 10 años.
- Su estatus de residente permanente seguirá siendo válido solamente si el gobierno de E.E.U.U no lo revoque o lo rescinda. **Siendo arrestada, citada, o condenada de algún crimen o violación en la jurisdicción local, del estado, o del gobierno federal puede perjudicar su residencia permanente.** Si usted está arrestada, citada, o acusada de algún crimen, es recomendable que notifique inmediatamente a su abogado de defensa criminal sobre su estatus legal.
- El viajar fuera de los E.E.U.U. **por más de seis meses** puede perjudicar su residencia permanente. No debe quedarse fuera de los E.E.U.U. por más de seis meses.
- Si desea viajar fuera de los E.E.U.U. siendo residente permanente, necesitará una pasaporte válido de su país de origen para entrar otros países, incluyendo el suyo. Para volver a los E.E.U.U. tendrá que mostrar su tarjeta de residencia permanente (“green card”) y su pasaporte vigente a los oficiales de inmigración estadounidenses.
- Debe tener siempre con usted una copia de su tarjeta de residencia permanente. También debe guardar una copia en su hogar.
- Siendo residente permanente, podrá solicitar la naturalización a ser ciudadanía estadounidense después del [insert date]. Puede llamarnos al (212) 695-3800 para pedir por ayuda con esa solicitud y recibir referidas a las otras organizaciones que ofrecen

servicios legales por la naturalización. Her Justice no puede garantizarle que tengamos los recursos para asistirle al tiempo de su llamada.

- Por lo general, antes de otorgarle la ciudadanía en E.E.U.U., el gobierno estadounidense requiere que uno hable el inglés. Se recomienda que usted matricula en clases de inglés si quiere naturalizar en el futuro.
- Si usted se muda a otra dirección, debe tener en cuenta que la ley federal estadounidense requiere que usted someta un formulario de cambio de dirección **no más** de 10 días después de mudarse. Puede someter su cambio de dirección mandando el formulario AR-11 por correo al:

U.S. Citizenship and Immigration Services

Attn: Change of Address

[PLEASE CHECK WEBSITE FOR LATEST ADDRESS];

Una copia de su archivo de inmigración entero está adjuntada a esta carta. Debe guardarlo en un lugar seguro para que pueda referirlo en el futuro.

Esta carta servirá para informarle que la representación legal de Her Justice a su favor se ha cumplido y ya no tendremos más obligaciones a, ni una relación de cliente-abogado con, usted.

Fue un placer de trabajar con usted. Le deseamos todo lo mejor en el futuro.

Atentamente,

[primaryname], Esq.

Adj.